

# Welcome to the London Borough of Croydon

## Private Sector Landlords Forum

*PLACE Department  
January 2019*

# Housekeeping

No practice fire alarm is planned.

Toilets are in on the first floor foyer of Jurys Inn Hotel

CPD – 1.30 hours awarded and is available at front desk.

There is no Council photography today in presentations.

## The forum

Sorry, no questions during the session but please use the advice desk or feedback forms.

# Welcome from the PLACE Department

Thank you for your interest and taking the time to attend

Today's presentations last one hour.

1. After, time to talk with officers – advice tables.
2. Presentations are at 9.30am, 11am and 2.30pm.

Next meeting is June 2019.

January 2019 newsletter is on the Council website

# Agenda

Chair – Nick Gracie-Langrick – Selective Licensing Housing Manager

1. Nick Gracie-Langrick– (Selective Licensing Officer) an update.
2. Karen Gregory (National Landlords Association) giving a legislative update
3. Malcolm Bell (Energy Officer),
4. Duncan Turner, (Waste and Street Cleansing Manager) covering the waste collection service, recycling and bulk waste collection.
5. Sharon Murphy (Anti-Social Behaviour Enforcement Manager).  
Steps landlords can take and working together.

Additionally,

12.30pm – 1pm Paul Shamplina, Founder & Director of Landlord Action and Brand Ambassador of Hamilton Fraser. Featured in Channel 5's Bad Tenants, Rogue Landlords. To talk on '*How to deal with problem tenants*'.

1.10pm – 1.30pm Mark Noble EA-RS Firecape products  
Pan-safe and Spray safe

To register your interest for one of these presentations, please contact the Property Licensing Team

## Advice tables

- Croydon Lettings
- London Fire Brigade
- Selective Licensing (administration and enforcement)
- Houses in Multiple Occupation team
- Croydon Council Waste Services
- Debt advisor
- Tenancy relations / Homelessness prevention team at Croydon
- Malcom Bell- Energy officer
- National Landlords Association
- Hamilton Fraser
- Firescape products pansafe and spraysafe
- AV Castle solutions
- Inventory Clerk

# Forum feedback

We are interested in feedback on the forum, please use the forms and hand in .

# Minutes and newsletters

The screenshot shows the Croydon Council website's 'Croydon private rented property licence' page. The page has a purple header with 'Welcome to Croydon' and a green navigation bar with 'Home', 'Housing', 'Landlord schemes and help for house owners', 'Croydon private rented property licence', and 'Croydon private rented property licence'. A green banner at the top right says 'Why not login, or register if you don't already have an account. Login | Register >'. Below the navigation bar, the page title is 'Croydon private rented property licence'. A table of links is displayed:

Croydon private rented property licence	Landlord information pack
Information for tenants	Public notice selective licensing
Selective landlord licensing consultation	Newsletters and Landlord Forum information

A blue arrow points to the 'Private rented property licence register' link, which is highlighted in a purple box. The text in the box says: 'Private rented property licence register. Check the register to see if your property is licensed. You can also report unlicensed properties.' To the right of the table, there are three sections: 'Apply for it' with a document icon and 'Croydon private rented property licence', 'Find it' with a magnifying glass icon and 'Search the private rented property licence register', and 'Have your say' with a speech bubble icon and 'Check out our latest polls'. At the bottom right, there is a purple button that says 'Can't find what you're looking' and a speaker icon. The footer of the page says 'As part of its drive to make Croydon a better place to rent,'. The Windows taskbar at the bottom shows various application icons and the date/time '08:26 10/01/2018'.

# Private Rented Sector Update



**Next Tuesday –  
Letting Agents conference.  
Information from PSHT stand.**

# Question from the Local Government Association

- At a 'disrupting modern slavery' conference housing came up as an issue throughout the day.
- One of the delegates asked whether there is any guidance for reputable landlords on looking for signs of modern slavery.
- The LGA are wondering whether there would be a value in producing a short note that LAs could use for landlords.
- Are slaves are housed in properties where the landlord is unaware of there being an issue?
- Do you think landlords would find a guide useful?

## Article 4 Direction consultation until March 8th.

- The Planning Department are consulting.
- Proposal – there will need to be a ‘change of use’ / planning approval for a dwelling house C3 to become a small HMO C4.
- This is defined as “a dwelling house between three and six unrelated individuals, used as their only or main residence, who share basic amenities such as a kitchen or bathroom”.
- If confirmed (in January 2020), it will mean that the Planning Department will enforce the change once the Article 4 is in force.

## Croydon proposes Article 4 Direction to manage conversions



Croydon Council is proposing to protect family homes by requiring planning permission to convert properties into houses of multiple occupation (HMOs).

A copy of the Article 4 Direction, map and associated documents explaining the reason for making the Direction, will be available to view at Access Croydon and Town Hall during the six-week representation period, as well as online at [www.croydon.gov.uk/HMOArticle4](http://www.croydon.gov.uk/HMOArticle4) from Thursday.

# Selective Licensing

Summary of licenced property inspections carried out under the previous inspection policy – focus on licenced properties

Inspection Outcome	%
Enforcement Action (including informal notices)	10.78%
Licence Conditions Reminder Letter	17.50%
Satisfactory (NFA)	71.72%

# Housing Act 2004 Enforcement Notices Served

Year	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Totals
2015	44	48	27	53	172
2016	72	64	80	61	277
2017	60	38	45	71	214
2018	45	54	55	44	198

# New Inspection Policy

Since changing our inspection policy from concentrating on licenced properties to identifying problem properties we have found that 19% of licensable properties were not licenced.

This is where we gained access, there are probably many more.



# News & Legislative Update

## January 2019

Karen Gregory, London Rep





# Contents

- Universal Credit: An Update
- Tenant Fees Act
- HMO Licensing: Peter Gaskin vs L B of Richmond
- Serving your tenant notices correctly!
- Gas Safety Certificate flexibilities
- Section 21 TOP TIPS
- Fitness for Human Habitation Act
- Mandatory Three Year Tenancies Update
- Landlords Quiz!

# Universal Credit: An Update

- New online system will make all payments direct to the landlord.
- Two child benefit cap to be scrapped.
- New 'nudge' built into system so payments more likely to go to child's primary caregiver.
- Migration of three million people delayed until a trial of 10,000 in July.
- DWP continue to say that managed migration will be completed by 2023.




# Tenant Fees Act

- Bans all fees from letting agents *and* landlords to tenants. Will be implemented 1<sup>st</sup> June 2019
- The Bill will ban tenants from being charged for inventories, signing a contract, renewing a tenancy, referencing, prof cleaning, admin charges, credit checks and more
- It will allow letting agents and landlords to only charge fees relating to rent, security deposits, holding deposits, or when a tenant breaches a contract
- Will apply to all ASTs, student accom and licensed properties. Company lets and non-assured tenancies will be exempt
- Will impose a cap on security deposits of 5 weeks' rent and a cap on holding deposits of **1 week's rent**



## Gaskin vs London Borough of Richmond

- Has major implications for landlords and councils across the country
  - Councils are reconsidering the way they structure HMO licensing fees
  - The High Court found that Richmond's licensing fee was levied unlawfully as it breached EU regulation.
- 
- The Court found that Mr Gaskin was a “service provider”, meaning the fee for the administration of an authorisation scheme was unlawful.

# Caridon Property LTD vs Monty Shooltz

- Any Section 21 notice is invalid if a gas safety certificate is not served **before** the start of the tenancy (England only)
- Cannot rectify this at a later date
- Your AST would effectively be treated as an Assured Tenancy
- Keep detailed records of dates, times of issue of (all) certificates and correspondence with the tenant, get signed acknowledgement to confirm receipt
- Review your processes and systems to reduce chance of mistakes



# Gas Safety Certificate flexibilities

A new MOT-style flexibility has been introduced to landlord annual gas safety checks.

- Allows landlords to undertake gas safety checks within the 2 months leading up to the deadline date.



- Retain the original expiry date e.g. gas safety check due 15th May, but carried out 29th April; new certificate will retain 15th May expiry

## Section 21 –Top Tips!

- **Timing:** A Section 21 notice cannot validly be served in the first four months of a tenancy.
- **Expiry:** If proceedings do not begin within 6 months of the service of a Section 21 notice then it will be invalid.
- **Process:** A landlord / agent's failure to provide the required information to tenants during a tenancy can invalidate a Section 21 notice. **Form 6a** must be used to issue notice.
- **Repairs:** Failure to follow the prescribed and time-limited repairs process can both invalidate a Section 21 notice and prevent one from being served for a further six months.



## Section 21 Changes - 6a Form

Landlords and agents are no longer able to use s.21 (1)(b) and s.21 (4)(a) notices.



- Landlords who wish to serve a Section 21 Notice to Assured Shorthold Tenants in England **must use** Form 6a.
- From 1 October 2018, 6a form will cover **ALL** ASTs (including pre 1st October 2015 tenancies).



# Fitness for Human Habitation Act

- New law now passed giving tenants (in England) power to fight unfit housing, including ability to sue landlords for not carrying out repair work
- Applies to all new tenancies from 20 March 2019 & 1 year later on 20 March 2020, to all normal rental tenancies under 7 years length
- Landlords exempt where the damage is due to tenant's actions.
- Will not introduce new standards for landlords, but help tenants enforce existing standards.



## Mandatory three year tenancies update

- Consultation last summer but no official Gov response yet
- Possibility of financial incentives to encourage landlords to offer longer tenancies?
- Break clause of 6 months to allow landlords and tenants to exit the agreement early?
- NLA research finds consistently that around 40% of tenants want longer tenancies but 40% do not
- More than 50% consistently say that they are happy with the tenancy length offered and only 4% were actually refused a longer tenancy when asked



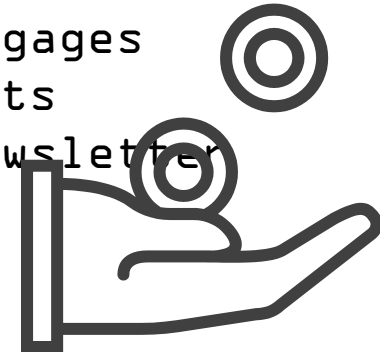
# Why join the NLA?

Join now and get £14  
off your annual fee  
using my rep code **136**

- ✓ Advice line
- ✓ Online library
- ✓ Online members register
- ✓ NLA Forms
- ✓ UK Landlord Magazine
- ✓ NLA Licensing 365
- ✓ Free tax investigation insurance
- ✓ NLA Accreditation and CPD

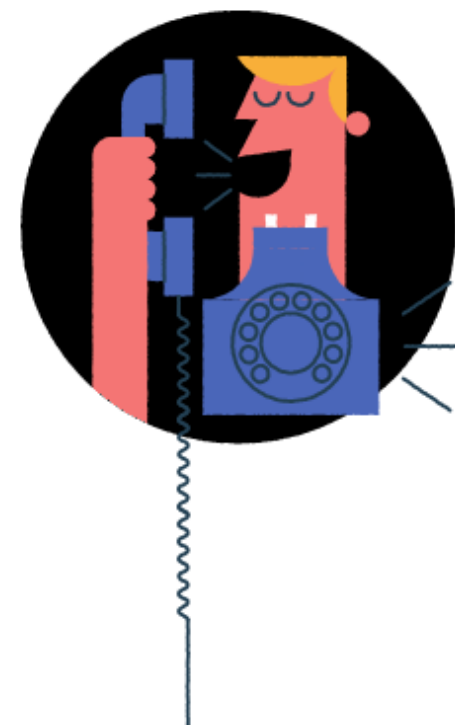
- ✓ NLA Membership card
- ✓ NLA Membership logo

- ✓ Discounts on commercial services:
  - NLA Property Insurance
  - NLA Property Repossession
  - NLA Rent Recovery
  - NLA Tenant Check
  - NLA Rent Protect
  - NLA Inventories
  - NLA Landlord Vision
  - NLA Rent on Time
  - NLA Mortgages
  - myDeposits
  - NLA e-newsletter



# NLA Advice Line

- Get answers to your immediate questions
- Staffed by a team of experienced landlords who offer a wealth of knowledge and experience
- **Savings value: 3 calls £50**
- We average over a million minutes of talk-time to members per month.
- Last year we received 44,000 calls, up from 37,000 the previous year.



# Landlord Quiz

Q: Who is the current Minister for Housing?

Q: How many landlords are there in the UK?

Q: How many members does the NLA currently have? ( to the nearest 1,000)



# Thank You

karen.gregory@landlords.org.uk

[www.landlords.org.uk](http://www.landlords.org.uk)

# Waste Collections Services

*January 2019*

Delivering for Croydon

**CROYDON**  
[www.croydon.gov.uk](http://www.croydon.gov.uk)



# Refuse and Recycling Services

- ▶ Refuse Collections
- ▶ Recycling and Food Waste Collection Services





# Our Ambitions – Service Changes

- ▶ In September 2018, we introduced a new waste and recycling service designed to increase our recycling rate from 38% to 50% by 2020.
- ▶ Kerbside Wheelie Bins have replaced boxes – doubling the recycling capacity
- ▶ INCREASE IN RECYCLING RATE to 47% since introducing the new service.
- ▶ Wheelie bins reduce spillage leading improving our residents environment



# Kerbside Collections

## Property Types

- ▶ Houses
- ▶ Flats – 4 units or less
- ▶ HMOs

## Collection Frequency

- ▶ Fortnightly Refuse
- ▶ Fortnightly Recycling
- ▶ Weekly food waste



# Communal Collections

- ▶ Collection frequency is subject to bin provision based on number of units.

- ▶ 5 OR MORE UNITS with Wheelie Bins  
Recycling Fortnightly  
Refuse Fortnightly,  
Food Weekly



- ▶ Large Developments - 4 Wheeled Bins  
Recycling            Fortnightly  
Refuse                Fortnightly  
Food                  Weekly



- ▶ subject to agreement with LBC weekly collection will be available if fortnightly is not suitable.

# Additional Services

- ▶ BULKY waste Collections

All residents are eligible for 3 free collections per year, Additional collections are chargeable.

Presented at front of building or by Communal Bins area

- ▶ Clinical Waste

- ▶ Garden waste (Single dwelling households only)



# What bins should my tenants be provided?

		Flats with 5 or more units within building				Per unit within building				
Studio		Flat with 1 bed, 2 person	Flat with 2 bed, 3 person	Flat with 3 bed, 4 person	Flat with 3 bed, 5 person or higher	Houses or buildings containing 2 flats (per unit)	HMOs		Blocks with 3-4 units – new build	Blocks with 3-4 units – conversion
Flat with 1 bed, 1 person							With shared kitchen facilities	No shared kitchen facilities		
General Waste						General Waste				
120ltr	x							x		
130ltr		x								
140ltr			x							x
150ltr				x						
160ltr					x					
180ltr						x	x		x	
Please ensure the total volume is rounded up to the available bin sizes: 180, 240, 360, 660, 1100.										
Dry Recycling						Dry Recycling				
120ltr paper & card										x
120ltr comingled										x
128ltr (fully comingled)	x	x	x	x	x			x		
240ltr paper & card						x	x		x	
240ltr comingled						x	x		x	
Please ensure the total volume is rounded up to the available bin sizes: Only 360 and 1280 for flats recycling.										
Food Recycling						Food Recycling				
7ltr internal	x	x	x	x	x	x	x	x	x	x
12ltr external	x	x	x	x	x			x		
23ltr external						x	x		x	x
Please ensure the total volume is rounded up to the available bin sizes: 140 and 240 flats food recycling.										

# Service Issues

- ▶ Missed Collections – Causes and prevention
  - ▶ Contamination
  - ▶ Flytipping
  - ▶ Ensure recycling containers are locked.
- ▶ Blocked Access to Bin store – Keys/Fobs/Codes
  - ▶ Blocked Access – Parked Vehicles
- ▶ Damaged / Stolen Bins Replacement
  - ▶ Contact the council if the bin is supplied by us



# New Builds

## Planning Guidance Notes

- ▶ Recommended Bin Sizes and Quantity
- ▶ Building Design – Bin Chamber/Store Sizes
- ▶ Where to get bins from – Options





# Reporting Service Issues

## Encouraging your tenants to report

- ▶ Missed Collections
- ▶ 2 days to report missed collection.
- ▶ Report online using myaccount
  - ▶ Sends an instantaneous report directly to the contractor to collect within 24 hours.
- ▶ Damaged and Missing Bins- Report online using “myaccount”





# Croydon Healthy Homes

*Malcolm Bell - Energy Officer*

Presentation on website as separate document

# Anti-Social Behaviour Team

*Presented by Sharon Murphy*

*January 2019*

# What is ASB?

The law defines anti-social behaviour (ASB) as, “Any behaviour which causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household”.

Examples of behaviour types that could be considered as anti-social are:

- Playing loud music in the property, garden, communal or public areas
- Shouting, screaming in the property, garden, communal or public areas
- Threatening and / or abusive behaviour towards another person
- Taking/selling/cultivating illegal substances or drugs
- Alcohol misuse and issues relating to it
- Causing damage or making threats to damage other people's property
- Graffiti / enviro-crime / fly-tipping
- Hate crime / hate related incidents
- Allowing members of your household and / or visitors to your property to cause a nuisance to others.

# What do we do?

- Team of officers investigate allegations of ASB and nuisance.
- Referrals come in from a number of routes –, Housing, Public, other agencies incl. police
- We investigate all cases regardless of tenure, take action, regardless of tenure, work in partnership with RSLs to support action – or take action where they fail to or are unable to.

# How we investigate

In order to investigate a case, officers may:

- issue diary sheets
- conduct interviews
- conduct surveillance / CCTV /covert and overt
- organise perception surveys,
- capture photographic, video or audible evidence
- attend multi-agency meetings
- make referrals to partner agencies
- attend Police raids
- apply for Police disclosure.

# What we can do

- The ASB team use various remedies to combat ASB, such as, but not limited to:
- mediation referrals
- issuing “Trespass” letters (council estates)
- Warning letters
- Acceptable Behaviour Contracts (ABC)
- Civil Injunctions
- Possession action
- Premises Closure Orders
- Community Protection Warning and Notices

## What should I do about my tenant who I know is causing ASB?

- Be sure to note the detail of the alleged incident and then make contact with your local authority (LA) ASB team / community safety team. Remembering to record the incident date and time is really important.
- The ASB/community safety team will then assist in gathering records of incidents, should the case progress to a stage where legal action needs to be taken.
- Be sure to handle complaints with sensitivity and never tell your tenant who has made a complaint about them, or confirm the identity of the complaint should your tenant make a guess. This could potentially place the complainant at risk of reprisal and could leave you having to answer to the Information Commissioner's Office (ICO) about the disclosure of sensitive and confidential information, to a third party (GDPR).



What powers do the LA have?

# Civil Injunction

- Civil Order, quickly obtained in County Court for adults & Youth Court for those aged 10-17yrs
- Power of Arrest available (demonstrate threat of harm)
- Breaches punishable as contempt of court - up to 2 years in prison for an adult / 10-17yr olds could receive a curfew, an activity or supervision requirement. If they repeatedly breach, causing serious harm, custody up to 3 months

# Civil Injunctions cont.

- Increase the range of circumstances where it can be used, for example – exclude persons from specific areas (exclusion zones)
- Include both prohibitions on behaviour & positive requirements to change behaviour in the longer term
- Interim CIs can be obtained without notice and in the absence of the defendant, where there is a threat of / actual harm / violence

# Examples:

- Gang nominals – housing secured outside of borough through social services, ASB team apply for Injunction to prevent entry into Croydon
- Persistent offenders committing crime in specific area – Civil Injunctions to prevent entry into the specified zone, or to prevent certain behaviour, i.e carrying goods without a valid receipt, carrying ID not in their own name – consider carefully and creatively what it is you are seeking to prevent
- Repeat offenders of ASB at a property leading to neighbours telephoning police as resident either unable or unwilling to “gate keep” – Civil Injunction to prevent entry to premises
- Gang nominals / persistent offenders – Civil Injunction obtained with non association requirements
- Area nuisance – Imperial Way (The Cruise) London Road / West Croydon

# Premises Closure

- Councils and police able to temporarily close any property for up to 48 hrs where there is public nuisance or likely to imminently be disorder, by way of issuing a Closure Notice e.g. social media reports of a rave
- Once in force, councils or police must then apply to Magistrates court to consider the order and whether to extend it, for a period of up to 3 months. Before the Order expires, an application can be made to extend the Closure for a further 3 months ONLY.

# When can Closure powers be used?

- In premises, commercial or residential, where ASB and nuisance is persistent and on-going
- Premises used for drug dealing and cultivation where nuisance is associated
- Premises used for regularly congregation of groups of people creating a nuisance – parties, crack houses etc.
- Premises linked to persistent criminal behaviour

# Community Protection Notice

The purpose of CPNs is to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting the **individuals** responsible.

Criminal offence punishable by way of issuing a Fixed Penalty Notice of up to £100 (Croydon currently £80) or a fine of up to £2500 or £20000 for businesses

# Examples:

- **Untidy front gardens**
- **Dog related nuisance**
- **Inconsiderate parking**
- **Noise Nuisance**



It's not me causing the ASB, so surely it's not my problem. Or is it?

- Actually, yes it is – if it's going on inside of, or in the location of **YOUR** property, then it could be argued that YOU, as the Landlord, are indeed responsible – or at least are partly responsible and therefore, have a duty to actively seek to bring that behaviour to an end.
- Your LL licence requires you to take action.

How do you contact us?

[ASBTeam@Croydon.gov.uk](mailto:ASBTeam@Croydon.gov.uk)

**Questions?**

# The close

*Thank you for your attention and we all hoped you enjoyed the presentations*