

Croydon Council

Private Sector Housing Landlords Forum- 15 May and 23 June 2017

Minutes

Croydon Private Rented Sector Landlord Forum.

Braithwaite Hall, Croydon Library, 2.30pm, 15 May and 23 June 2017.

Slides and past minutes: <https://www.croydon.gov.uk/housing/privatehousing/housing-initiatives/landlord-forum>

1. Welcome to Landlord forum

Attendees were welcomed to the forum by Nick Gracie-Langrick, selective licensing and housing team manager.

In May the forum was held in the period of purdah so caution was exercised with discussions and answers. In June the (repeated) forum was held following the fire at Grenfell House. The tragic loss of life and impact on all was acknowledged with the underlying agreement for the forum to take place with the continued commitment to continue to improve the renting experience for those in the private rented sector.

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 been running for about 20 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 March 2017 28,621 applications had been made, this is 89.5% of the target total. Applications continue to be received at the rate of 300 a month.

The inspection regime was well underway with each selective licensing property inspection being visited. In most cases landlords are written to beforehand with a proposed date and a request to bring along certain certification.

When the scheme began in 2015 the council was expecting at least 32,000 licence applications. As the private rented sector continues to grow, we expect this figure will increase. In the summer and autumn of 2017 enforcement officers will be proactively visiting selected areas of Croydon to undertake licensed premises inspection and identify unlicensed properties. The council looks to work with landlords to improve the sector but for landlords that ignore legal obligations prosecution or the new financial penalties will be considered.

Further CPRPL licensing updates will be available at future forums.

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
Telephone: 0208 760 5476 or Minicom: 0208 760 5797

For a selective licensing inspection request:
Email – SelLicInspection@croydon.gov.uk

Or on licencing your property
Email - propertylicensing@croydon.gov.uk
Telephone: 0208 726 6103 (Monday to Friday 9am-4pm)

2. Selective Licensing Conditions by Nick Gracie-Langrick

A variety of conditions exist for the licence holder and for simplicity these have been divided into the health and safety checks and records to keep. A full set of the licence conditions exist on the Croydon website:

<https://www.croydon.gov.uk/housing/privatehousing/croydon-private-rented-property-licence/croydon-private-rented-property-licence>

Health and safety checks:

- Gas Safety certificate covering all appliances with recommended remedial work completed and certificate issued within last 12 months.
- Smoke alarms to be installed, properly maintained and records retained.
- Fire safety equipment (where supplied) to be maintained with records retained
- CO alarm installation (new condition under the 2015 Regulations)
- Fire risk assessment (written in certain circumstances) and tenants briefed on a fire escape plan.
- Furniture and Furnishings to comply with fire safety laws.
- Portable electrical appliances (movable appliances with a lead and plug- kettles and fridges) supplied to be tested for safety.
- Electrical Installation Safety. Whilst not a licence requirement regular visual and competent contractor checks of the main installation are recommended.

Paperwork the council may request:

- Tenant references
- Tenancy agreements and terms.
- Tenancy deposit protection registration.
- Tenancy management to reduce anti-social behaviour and letters sent.
- 6 monthly property inspection log.
- Gas safety certificate
- Electrical safety certificate (recommendation)
- Electrical appliance “PAT” safety certificate
- Energy Efficiency Certificate (where this is relevant)
- Pest control treatment to deal with reported infestations.
- Fire escape and action procedure for tenants
- Smoke alarm position and condition declaration
- Smoke alarm/ lighting/ firefighting equipment reports
- Furniture fire safety compliance declaration

- Fire equipment and installation reports
- Occupancy information (numbers of individuals and households and rooms occupied)

This is not an exclusive list. Keeping good records will prepare you for the inspection.

3. **A summary of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and the Housing and Planning Act 2016** by Nick Gracie-Langrick

Further information was available on the supplied information sheet. The Smoke and Carbon Monoxide Alarm (England) Regulations were introduced on the 1st October 2015. Authority to use the powers was agreed by Cabinet on the 3rd May 2017.

Duties on Landlords. The Regulations require that landlords for all let properties (some exemptions exist) ensure that:

- a smoke alarm is installed on each storey of premises where there is living accommodation
- a carbon monoxide alarm is installed in any room of premises used as living accommodation, which contained a solid fuel burning appliance.

AND for tenancies starting from 1 October 2015

- that checks are made by the landlord, or someone acting on his behalf, that the alarm(s) are in proper working order on the day the tenancy starts

There is no description of what is a suitable smoke alarm but Croydon Council recommend either a mains wired alarm or an alarm with a long life battery. Fire safety can also be assessed under Part 1 of the Housing Act 2004 (as amended) and this may require additional fire precautions including alternative detectors or alarms.

A solid fuel burning appliances include coal fires (not if non-functioning or decorative) and wood burning stove. The Government recommendation is that CO alarms are also fitted in rooms with gas appliances, (especially non room sealed / with a pilot light) as these can emit CO.

Government advice booklet: <https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords>

Duties for councils. Where the council believe that a landlord is in breach of one or more of the above duties, a Remedial Notice must be served. This will list the remedial works required to be taken by the Landlord.

If the Landlord fails to take remedial action, within the specified timescale, a penalty charge notice may be issued. The penalty charge may not exceed £5,000.00 (see statement of reasons for levels). The 2015 Regulations require the council to carry out the works in default and can then reclaim all reasonable costs incurred by the builder and themselves in organising the works.

For all licensed premises the impact on landlords will be through a change in licensing conditions. These will be introduced into the licence conditions shortly.

New conditions:

where the house is in England—

- to ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation, and
- to ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance;

AND

- to keep any such alarm in proper working order; and
- to supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.”;

Housing and Planning Act 2016 powers

The new powers relating to a financial penalty and extended rent repayment order came into force on April 6 2017 under the Housing and Planning Act 2016.

The Government also aims to introduce landlord banning orders from October 2017. The breach a banning order will be a new offence.

A financial penalty (FP) is available as an alternative to taking a prosecution. A FP can be issued to a landlord who commits one of the following offences; failure to comply with an improvement notice; not licencing a HMO or CPRPL property, a breach of licence conditions; non-compliance with an overcrowding notice for HMO; non-compliance with the HMO Management Regulations and the new offence of a breach of Banning Order.

A Financial Penalty (FP) can be set at up to a maximum of £30,000.

Rent Repayment Orders (RRO) were introduced by the Housing Act 2004 to cover situations where the landlord of a property had been convicted of failing to licence a property that was required to be licensed. RROs have been included within the Housing and Planning Act 2016 and have been extended to cover a much wider range of offences (no conviction required) including; the failure to comply with an Improvement Notice or Prohibition Order; not licensing a HMO or CPRPL property; the breach of a banning order; using violence to secure entry to a property under section 6 of the Criminal Law Act 1977; and the illegal eviction or harassment of the occupiers of a property under section 1 of the Protection from Eviction Act 1977

A tenant or a Local Authority can individually apply to a First Tier tribunal for a RRO award for an award of up to 12 months’ rent.

Croydon Council have authority to issue a financial penalty (May 3rd 2017) and apply for a rent repayment order. .

4. Regulatory Reform (Fire Safety Order) 2005 by Victoria Lowry 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 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>

5. Justbe initiative. – presented by Juliet Stevenson, Live well Coordinator.

The presentation was given to request support from landlords and to raise awareness of the initiative set up by the regeneration team.

Live Well Croydon is a new integrated behaviour change model connecting 5 health behaviours – with an overarching aim of increasing life expectancy and reducing health inequalities. These lifestyle behaviours are: alcohol, physical activity, weight management, mental wellbeing and smoking cessation. The aims are to increase life quality and expectancy.

It is made up of 3 core elements: Just Be; Just Live Well and the Live Well Alliance. Justbe is available online and It is the access point for the Health MOT which calculates people's level of risk and signposts to appropriate services i.e. community programmes or other structured interventions – if the client meets the inclusion criteria.

For information <https://www.justbecroydon.org/>

6. Croydon Council Housing Initiatives, working together by Jojo Blankson
Housing Initiatives – Lettings Negotiator

Contact number: 020 8726 6000 x 62066

E-mail: jojo.blankson@croydon.gov.uk

This presentation covered the different schemes that the housing initiatives team offered to landlords as a way of increasing the pool of properties in the private sector for placing people and families. The service is free and competitive. The initiatives team offer repairs, maintenance, guaranteed rent, bonds....all free. It can take the pressure from you as your property is looked after, rented and provided back to you in a good condition.

Croylease offers 5 year leases for your property that can be extended to 10. A full property-condition survey is completed as part of the initiative with the property handed back in a good condition. The scheme is exempt from the Croydon Private Rented Property Licence (CPRPL). The guaranteed rent scheme offers 12 month plus contracts. The landlords keep the management of the property. A Landlord bond is available and the Council takes control of property release. The Landlord Bond scheme stands as an additional service with tenant finder service, free advice (linking with housing benefit/ universal credit) and an inventory service.

For more information:

<https://www.croydon.gov.uk/housing/privatehousing/housing-initiatives/letting-services-and-initiatives>

Attendees questions and answers.

1. Can you provide clarification on whether we need smoke or fire alarms?
 2. Is a smoke alarm with an alarm sounding feature sufficient? Questions 1 and 2 considered together.
- A. The word fire alarm covers a system of smoke and or heat detectors and often with separate alarms that cover one or more dwellings. A smoke alarm is an individual combined detector and alarm. It maybe battery or mains operated and is a standalone unit.
- Under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 the requirement is for a smoke alarm to be fitted on each storey of a premises where there is living accommodation. These Regulations were introduced to ensure all rented properties have working smoke alarms as a minimum. All rented properties are also subject to an assessment under the Housing Act 2004 Part 1- housing health and rating system fire assessment. This looks at the risk in the premises. If the property has a communal staircase then a risk assessment is also required under the Regulatory Reform (Fire Safety) Order 2005.

Where a property is licensed there is a requirement, under the conditions of the licence, to install and maintain in good working order appropriate smoke alarms.

Smoke alarms are required as a minimum in all cases and in low risk addresses they are satisfactory. Individual smoke alarms are not sufficient with higher risk, such as, where the property is a four storey house in multiple occupation and there is a need for more than just a smoke alarm on each storey. A four storey HMO would need a fire alarm system comprising all or some of smoke detection, heat detection and alarm sounders connected through a fire alarm panel. Each property has different risks and needs to be assessed differently.

3. If someone has a baby does it make a property overcrowded? Would a landlord be penalised if it went overcrowded for this reason?
 - A. A licence can limit the number of households and individuals under the terms of the licence. Additionally powers exist in the Housing Act 2004 (HHSRS hazard 23) and Housing Act 1985 to assess crowding and limit numbers of occupants.
Natural growth of a family is not something that landlords can control or are always aware of. Assessing property numbers is something that should be done during the 6 monthly property inspection.
Under the statutory overcrowding standard (s325 and 326 of the 1985 Housing Act and children under the age of 1 are not included in the calculation of crowding. When a child reaches his/ her first birthday they are considered as ½ point. In a flat with one bedroom and occupied by a couple it will breach crowding standards on the first birthday of the child who would then need to have his/her own bedroom.
4. Do I have to inform the council about tenancy changes?
 - A. Under the selective licensing conditions there is a need to inform the Council when there are certain changes to the property. Under condition 5.4 this includes a change in the ownership or management. There is no requirement to inform the Council if there is a change in tenants.
5. Does a gas safety certificate have to cover all appliances?
 - A. A gas safety inspection should cover all gas installations and appliances supplied in the property covering all pipework, flues and associated features. The certificate must only be completed by a Gas Safe engineer and all recommendations made should be undertaken to ensure safety and efficient operation. The certificate should be renewed annually and be a maximum of 12 months old. This is condition 3.1.
6. Why are we [landlords] being penalised on behalf of the rogue few? I now want to sell my HMO because this scheme is all legislation and does not benefit landlords"
 - A. The Council would not want a landlords to sell a property simply as a consequence of the Croydon Private Rented Property Licensing scheme (CPRPL). The importance of having a healthy supply of good quality

rented accommodation is acknowledged. I am not sure that the CPRPL scheme penalises landlords. Whilst tackling anti-social behaviour it also helps good landlords keep in touch with new and existing legislation. The licensing fee is not excessive and all landlords will benefit from an improved private rented sector. Croydon Council is being proactive with identifying unlicensed premises of which 300 continue to license each month.

7. Can we have clarity on ‘landlord vs freeholder’ responsibilities/ accountability (many freeholders unreachable etc.)”
- A. This is a broad question to answer. The responsibilities held by either the lessee or freeholder should all be laid out in the lease. A lessee will have responsibility for the repair of their part of the larger property and the freeholder commonly has responsibility for the shell and common parts.

The way that the freeholder acts is also legislated for and various acts cover this. For example the freeholder will be a responsible person under the Regulatory Reform (Fire Safety) Order 2005 and will have to follow procedures when getting quotations for and organising works.

I also recommend that lessees seek advice from the specialised leasehold advice service – lease: <http://www.lease-advice.org/>

8. Why are landlords who nominate Managing Agents as Licence Holders penalised for doing the right thing & removing poor agents (e.g. overseas landlord replaces failing agent with a new fit & proper agent but are still charged £750 for the new licence & holder”
- A. If at any point during the period of the licence the licence holder changes to a new person, the Council is unable to just transfer the licence to a new person (reference section 91(6)). Consequently a new application must be made and the process must start again with a new applicant. All of the relevant checks must be made at the start of the process including of interested parties.

9. I am a landlord & freeholder of 30+ years and agree with this scheme, as I am witness to many a rogue landlords. How can I to help put an end to this? I don’t know where or how to report these things, discreetly or otherwise.

- A. The Council has an email where unlicensed landlords can be reported anonymously:
https://my.croydon.gov.uk/Landlords/onlineregister?utm_source=interaction&utm_medium=find-it&utm_campaign=landlord-license-register

10. Why are there no refunds, full or partial, when we are selling our properties? Does this not encourage rogue Licence Holders to ‘sell the licence’ to the new buyers/agents etc. in an attempt to make up the loss (buyers could be unaware this invalidates licence until they are confronted by the council)”

- A. The scheme does not offer any refunds where a licence is terminated mid-term. I can only suggest that those landlords that purchase a rented property do their research to start with so that they are aware of the need to purchase a new licence. It is hoped that the conveyancer provides good advice or that the buyer can get information from the authority website.

The next forum is on **Tuesday 26th September 2017**. More information nearer the time. There will be two forums on this day with one scheduled for the morning and one for the afternoon.

Meeting closed by 4.15pm. Please see the slides used as part of the presentation and these are 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