

# Welcome to the Croydon Borough Council. Private Sector Landlords Forum

*run by the PLACE Department  
December 2016*

Delivering for Croydon |

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

# Agenda

3pm – welcome and introductions.

1. Update on the CPRPL scheme.
2. Smart meters in the rented sector, fuel poverty in HMOs. – presented by [Andy Deacon](#) from Future Climate.
3. Penalty Charges under the Smoke and Carbon Monoxide Alarm (England and Wales) Regulations 2015.
4. The Housing and Planning Act 2016 (including banning orders and penalty fines).
5. Ten legal points you probably didn't know about being a landlord– presented by [Ben Reeve](#) from Tenancy Service Croydon Council.

Q & A session (as time permits)

Meeting closes 5pm

# Croydon Private Rented Selective Licensing Scheme: An Update

*Presented by Nick Gracie-Langrick  
December 2016*

# Selective Licensing Scheme Update:

- 23,500 licence applications received during the early bird discounted fee period
- 27,560 licence applications received to date (86% of estimated total), 12,903 landlords
- 100% of licence applications completed online, not a single paper form
- 100% of properties with a gas supply had a valid gas safe certificate at time of application (significant number of landlords could not complete their application because they didn't have a valid certificate, and therefore needed to obtain one before submitting their application)
- Approx. 45% more enforcement notices served since the scheme was implemented than in the preceding 12 months (339 notices as against 234)
- 10 applications refused on the grounds that the landlord is not a 'fit and proper' person (properties now in the hands of a managing agent)
- Approx. 100 cases under investigation for potential fraud (claiming discounted fee as first time lettings)
- Approx. 75 cases in preparation for legal action for failing to licence
- Properties now being inspected by the enforcement team.

Successes....

# Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

*Presented by Nick Gracie-Langrick  
December 2016*

# DCLG fire statistics

- 212,500 fires attended in Great Britain - 2013 / 2014.
- 322 fire deaths, 80% in dwellings.
- 40% fatalities because person overcome by fumes / gas.
- The most common time for fires to be reported is in the hour of 8pm-9pm (with 9% of all fires).
- Over 65% of fire-related deaths occurred in accidental dwelling fires
- People 80 years plus, over four times the average LH dying.
- Dwellings with no smoke alarm accounted for 38% of deaths in home fires in Great Britain.
- One fifth of deaths occurred where no SA worked

Fire moves quickly, smoke spreads fast.  
Reduce the risk of a fire starting.  
Fit early warning alarms.  
**Have a fire escape plan.**  
Inform tenants and maintain regularly.  
Working smoke alarms give you early warning



PLAN IN CASE  
OF FIRE

**CROYDON** | Delivering  
for Croydon  
[www.croydon.gov.uk](http://www.croydon.gov.uk)



Optical Smoke Alarm

- More responsive to smouldering fires (Sofas, TV's)
- Proven sensor with insect screen to reduce false alarms
- Third Party Accredited by BSI
- BS EN 14604:2005,
- Fit in:



Hallway\* Landing\* Living Room\*



Heat Alarm

- Responds to heat build-up from large flaming fires
- Heat sensor triggers at 58°C
- Third Party Accredited by BSI
- BS 5446-2:2003
- KM 83678
- Fit in:



Kitchen\* Garage\*



Ionisation Smoke Alarm

- More responsive to flaming fires (Papers, Clothing)
- Proven long life ionisation sensor
- Third Party Accredited by BSI
- BS EN 14604:2005
- KM 552831
- Fit in:



Bedroom\*

# DIFFERENT TYPES OF DETECTOR



# Guides

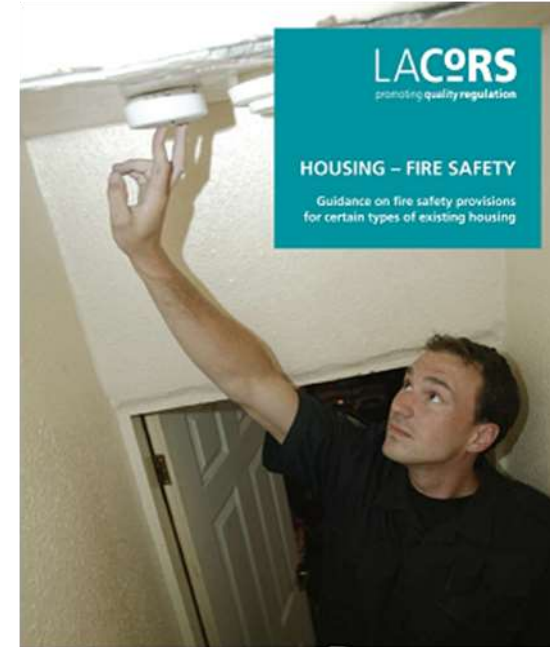
## Sleeping Accommodation Guide

Guidance about completing a fire safety risk assessment for people responsible for sleeping accommodation.

In common ways in HMOs for example

This guide gives advice about sleeping accommodation for staff, common areas for residents and sleeping, dining or other accommodation for guests/residents including:

- the common areas of houses in multiple occupation
- the common areas of flats and maisonettes
- the common areas of sheltered accommodation where care is not provided
- bed and breakfasts, guest houses, holiday chalets, holiday flat complexes, camping, caravan and holiday parks (other than privately owned individual units)



**CROYDON** | Delivering  
www.croydon.gov.uk | for Croydon

# impact of Carbon Monoxide

- 50 accidental deaths per year in the UK
- Over 1,100 cases of recorded hospital admissions – possible neurological damage.
- Risk ages are the u14s and the over 65s.
- The silent killer because you can't see it, hear it, smell it or taste it.
- CO has a molar mass of 28.0, and air has an average molar mass of 28.8 – very similar.
- The new regulations are estimated will prevent up to 26 deaths and 670 injuries a year

# Carbon Monoxide detection

- Most poisoning due to inadequate ventilation, blocked or leaky flues or poor maintenance of heating appliances
- Always ensure your CO alarm, complies with the BS with a battery designed to operate for the working life of the alarm. 7 year guarantee.
- Fit on the ceiling 300 mm from wall or as high up the wall as possible.
- Between 1m and 3m horizontally from the combustion appliance.



# Open flued appliances

- Carbon monoxide can be given off by all fossil fuels. You need to look out for:
  - Boiler pilot light flames burning orange, instead of blue
  - Sooty stains on or near appliances
  - Excessive condensation in the room
  - Coal or wood fires that burn slowly or go out
  - Families suffering prolonged flu-like symptoms.

# Smoke and CO Alarm (E) Regulations 2015.

- **New duties on landlords**, which include freeholders or leaseholders who have created a tenancy, lease, licence, sub-lease or sub-licence.
- **The duty requires that landlords ensure that:**
  - a smoke alarm is installed on each storey of premises
  - a carbon monoxide alarm is installed in any room which contained a solid fuel burning appliance.
- **AND** for tenancies starting from 1 October 2015 that checks are made that the alarm (s) is/are in proper working order on the day the tenancy

# Time Periods to comply with:

- The local authority must serve a remedial notice within 21 days .
- The notice must give 28 days for compliance.
- From determining non-compliance - a LA has 28 days in which to comply (work in default) with the remedial notice
- and 6 weeks to serve a Penalty Charge Notice.
- 28 days to make representations.
- 14 day early payment discount.

# Penalty Charge?

The penalty charges (proposed below) are the sum of the punitive charge and costs for completing the installation works:

	Payment period	Punitive Charge	Costs
First Offence	Within 28 days	£2,500	Reasonable cost plus 30% admin
	Early Payment	£1,500	
Second and subsequent offences	Within 28 days	£4,500	Reasonable cost plus 30% admin
	No early repayment		

The early payment period is 14 days.

The administrative charge is 30%

A LA must publish a statement of principles

# Croydon Council approach

- Private Sector Housing Team has been authorised.
- Expectation for landlords to be proactive.
- Croydon will work closely with the Fire Brigade.
- The Local Authority has duties to act.
- All representations will come to the Public Protection Manager.
- Landlords need tenants to provide access.
- To provide advice on fire safety– RISK ASSESSMENT.
- To organise default works economically and swiftly



# The Housing and Planning Act 2016: an overview.

*Presented by Nick Gracie-Langrick*

# New powers to tackle Rogue Landlords

- The PRS accommodates around 4.3 million households in England.
- The Government wants to see the sector thrive
- Most landlords offer a good service
- A small minority of rogues operate - providing unsafe, unmanaged accommodation
- Tenants are being exploited and get a 'bad deal'.
- The Government is determined to get rid of bad practices in the sector and to remove the worst offenders from it.

# Financial Charges (FC)

- Housing Act 2004 amended so that certain offences will be able to attract a financial charge as an alternative to court proceedings.
  - including not complying with an improvement notice,
  - breaching an overcrowding notice or
  - licensing requirements (not licensing or breach of licensing conditions) or
  - a banning order breach
- Maximum financial penalty will be £30,000 for each offence.
- Continuing to offend will attract a further fine.
- The criminal standard of proof must be applied.
- Scope for landlord to appeal to the First Tier Tribunal
- Financial charge income can be retained for housing related purposes.

# Rent Repayment Orders

- Applications by tenant of LA for RRO are to First Tier Tribunals.
- No conviction through Magistrates Court is now necessary.
- Applications for Rent Repayment Orders can be made on following grounds:
  - The property is licensable, but hasn't got a licence- (current ground)
  - The tenant was unlawfully evicted/ harassed (Protection from Eviction Act)
  - Entry to property violently (Criminal Law Act 1977)
  - The landlord has failed to comply with a Housing Act 2004 improvement notice or prohibition order; or
  - The landlord is in breach of a banning order.
- The landlord can be required to repay up to 12 months rent.
- Rent paid through Housing Benefit or universal credit can be retained by the local authority and used for housing purposes.

# Landlord Banning Orders

- Introduces the concept of “banning order offences”, (not FC)
- Banned from letting or property management
- Enables a tribunal to issue a banning order against a person whose banning order offence is particularly serious or is a prolific offender.
- A ban is for a minimum time of 12 months, but can be longer.
- A breach of a banning order is a criminal offence.
- A person convicted of breaching a banning order could face a custodial sentence and /or a fine

# Banning Order Database

- Local authorities can apply to place landlords and agents who have committed banning order offences on a national database.
- Register on database for a minimum of 2 years so their activities and future conduct can be monitored effectively.
- Landlords can appeal.
- Access for Local Authorities and Communities and Local Government Department.
- National database, LA must upload information.

# Other Powers in the 2016 Act

- Additional tests for fit and proper person - licensing.
- Electrical Safety Certificates and inspections.
- Access to information held in Tenancy Deposit Property Protection database.
- Overcrowding (HMO) notice offence – scale 4 maximum fine removed
- Abandoned property procedure.
- Local Authorities can take over properties with no management as a result of banning orders.

# Timetable for new Regulations

- Strengthening of Rent Repayment Orders - in force on 6 April 2017.
- Financial Penalty Charge as an enforcement option - in force on 6 April 2017.
- Private Sector Landlord Banning Order - in force on 1 October 2017.
- Database of Rogue Landlords - in force on 1 October 2017.



Thank you for listening

Any questions ?

December 2016

Delivering for Croydon |

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