



## West of England Landlord Panel

23 January 2008

### Minutes

#### Present:

Dave Fontaine (BCC), Katherine Shuttleworth (B&NES), Trusha Plested (B&NES), Richard Johnson (BCC), Philip Gilbert (BCC), Tony Hardacre (NLA), Chris Kenrick (NLA), Janet Redfern (NLA), Lisa Perry (NSC), Alan Tink (WLA), June Tink (WCLA), Olivia Donaghy (ARLA), Kathryn Manning (BCC), Matt Kendall (BCC), Leanne Arthur (SGC)

#### Apologies:

David Brown (NLA), Gary Twinn (NSLF), Shane Dyke (NSC), Chris Johnson (SGC), Barney Coleman (BALMA), Mark Lewis (NSLF)

#### 1. Previous Minutes

No issues noted with minutes. There was a mistake on the accreditation standards handout that went with the minutes, this information is to be revised and sent around to the group again.

#### 2. Housing Act 2004 update

Bath & North East Somerset Council have around 300 licensable HMOs so far, applications continue to trickle in. Inspections are being undertaken on a risk basis. The focus on unlicensed HMOs has begun and street surveys will start shortly. Bath have had a press release in the Bath Chronicle regarding licensing.

The street surveys will mean that officers will be walking the streets, knocking on doors of three storey properties. However, work will also be done with the electoral role, council tax, building control and planning to try and discover licensable properties.

The search also relies upon information from the public and other landlords.

Bristol City Council has issued around 1000 licenses so far, they have had 1100 applications. Inspections have started in many areas of the city and 260 are now complete (around 20%), with numbers increasing daily.

Bristol are also concentrating on finding unlicensed properties. This will also take the form of a street survey along with information from various council departments and public registers. An article has appeared in the Bristol Evening Post regarding unlicensed HMOs.

North Somerset Council passported around 70 HMOs into the new scheme, have licensed an additional 60 and have around 50 to go based on current applications. Inspections are being carried out before issuing the licence. All should be completed by mid 2008 – at this time the focus on unlicensed can begin.

South Gloucestershire Council Private Housing were not represented at the panel. However, Richard Johnson had spoken to a representative recently and they were surprised to be finding larger numbers of unlicensed HMOs than expected. The rest of the panel wondered whether this would be replicated across the region.

#### **a. Wash Hand Basins and WCs**

Regulations issued very close to the launch of HMO licensing gave local authorities no discretion regarding the requirements for wash hand basins in each unit of accommodation. The West of England authorities dealt with this by allowing 5 years for the completion of this requirement, hoping that there would be a review in the mean-time to clarify.

The Government issued new regulations in 2007, which allowed local authorities to have regard to the age and character of the dwelling when deciding on the installation of wash hand basins and if the installation is reasonably practicable. Part of this assessment means having regard to the type of tenure, i.e. shared accommodation, self contained etc...

The general approach is not to require wash hand basins where accommodation is shared and to require where there is an element of independent living. Each property will be judged on a case-by-case basis.

Tony Hardacre applauded the common-sense approach taken on this issue.

Separate WCs are also covered in the new 2007 regulations. Local authorities have to decide what they thought was adequate having regard to age and character. There are issues around the practicality of providing separate WCs in certain circumstances.

The final position on the issue of separate WCs is that rather than change the standards, West of England local authorities will apply discretion in some circumstances. Where a property has 5, 6 or 7 people sharing, a separate WC would still be required, but only if reasonable practicable.

This will be covered in newsletters and other information passed to landlords. An explanatory note will also be issued with these minutes.

#### **b. HMO license fees**

HMO licence fees have been put up by 3% for the year April 2007 to April 2008. Another increase in line with inflation will take place in April 2008 for the 08/09 year.

West of England local authorities have introduced a 'finders fee' of £100 to cover the cost of finding unlicensed HMOs. This has been done so that those landlords who have already come forward do not get penalised by an increase in the general fee to cover admin and officer costs associated with the search for unlicensed HMOs.

Failure to apply for a licence will mean that prosecution is considered, the history of the landlord will be taken into account when deciding to prosecute or not.

#### **c. Attic rooms and loft conversions**

Please see guidance issued with minutes regarding how West of England authorities will treat unused attic rooms and loft conversions with regard to HMO licensing.

### **3. Accreditation**

West of England authorities have agreed a common accreditation standard. Bristol City Council are going to introduce a self-certification procedure for accreditation due to volume of applicants. Other WoE authorities may have different administration.

Will consult with landlord and agent organisations regarding the self-certification and complaints procedure. Part of procedure will also involve contact between tenants and the local authority. Some landlords expressed concern about this. Further information will be circulated with these minutes, please submit any comments to [Kathryn.manning@bristol.gov.uk](mailto:Kathryn.manning@bristol.gov.uk).

There are likely to be a few incentives for landlords to join the scheme once up and running, these will be confirmed closer to the time.

#### **4. Local Housing Allowance – Vulnerability**

DWP have given guidance to local authorities, which means that there is no movement in the definition of vulnerability. However, local authorities can decide who fits within the definition through a safeguard policy. The draft safeguard policy will be distributed with the minutes for comments.

West of England policies will be similar, but there are different client bases in different authorities, so there will be some differences. The policies have to assume that people will pay unless proved otherwise. Direct payment can be made where people are considered vulnerable. When deciding who is vulnerable, local authorities will look to the safeguard policy. The definition is quite wide and includes financial history and payment history.

Landlords will still have access to direct payment if a tenant becomes more than 8 weeks in arrears. This is in addition to the safeguard policy.

Local authorities will be pushing for tenants to be paid by BACS and there will be assistance available for people to set up bank accounts etc...

Olivia Donaghy said that her experience of dealing with HB claimants was that those who are vulnerable would be more than happy to have the help and for their rent to be paid direct to the landlord and therefore would not try and conceal the fact.

Where a tenant is considered vulnerable evidence will be required. This can include doctors' letters, financial history and payment history among many other factors.

Existing HB claimants will not move on to the LHA, but will continue on the old scheme.

LHA representatives have agreed to attend the next panel meeting to discuss the final safeguard policy.

#### **5. Smoke free legislation**

Please see guidance note issued with minutes – this was felt to be enough explanation for the group.

#### **6. Landlord Development & Landlord Manual second edition**

The second edition of the West of England Landlord Manual will be printed in February 2008. The new manual contains many updates on issue one including accreditation, the Regulatory Reform Order and many more.

The West of England paper based Landlord Development course will be based on the second edition of the Landlord Manual. Questions will be circulated for comment over the next few weeks. All comments welcome.

The West of England Landlord Development course will not meet the HMO licence condition on training, as the condition states that training should be on the approved code of practice, which does not exist yet. However, the cost of the course will be offset against any future training required to meet the licence condition.

## **7. NLA e-learning**

This service has now been launched online at [www.landlorddevelopment.org.uk](http://www.landlorddevelopment.org.uk) and is available for members of the NLA and non-members alike. The service is free to members and will cost £40 per year for non-members. There is a taster session available for free if you log on to the website.

Chris Kenrick now has a presentation on the new service and is willing to deliver this at any landlord forums or seminars across the region.

## **8. Fire Safety, RRO & HHSRS**

The West of England group has tried to keep to the spirit of the risk based approach to fire safety in dwellings bought in with the housing health and safety rating system (HHSRS). Guidance is being produced to bring together the Regulatory Reform (Fire Safety) Order 2005 (RRO) and the HHSRS. A consultation document on this guidance will be circulated with these minutes.

This is a limited consultation, but comments are welcome. Please submit any comments via the National Landlords Association or to a local authority. This will be discussed in more detail at future meetings.

The West of England authorities and Avon Fire and Rescue Service will also be producing guidance and a protocol. These will be distributed as soon as possible.

## **9. Any other business**

Landlord Expo 2008 will take place on Thursday 15<sup>th</sup> May 2008 at the Holiday Inn, Hambrook, Bristol. Flyers for the event will be produced in February and these will be distributed to landlord associations and agents in the region. Olivia Donaghy agreed to distribute flyers to members of ARLA at a meeting on 10<sup>th</sup> March – Phil to contact.

## **10. Subjects for next meeting**

Energy Performance Certificates  
Local Housing Allowance – Safeguard Policy  
Regulatory Reform Order  
West of England Accreditation

**Date of next meeting:** Wednesday 23<sup>rd</sup> April 2008 at 10:30am