

Housing News

for landlords across Torbay

Welcome to Housing News, an information guide for landlords across Torbay. This housing newsletter includes news, issues and events from Torbay Council's housing services and housing benefit team, as well as information on trading standards, fraud, the latest legislation and news from partner organisations.

What would you like to see included in the newsletter? Have you got any housing-related news that could be shared with others? If you would like to have your say, please e-mail housingnews@torbay.gov.uk

Mortgage, Rent or Money Worries?

Are you experiencing problems due to the downturn in the economy?

Information on the help available to homeowners and tenants can be found at www.devonhomechoice.com and then clicking the 'Has the recession hit close to home link?' Making contact with the housing advice team early could reduce the risk of you losing your home.

Since April 2009, the service has prevented many homeowners threatened with homelessness from losing their homes. Through help with budgeting, benefits entitlement advice and through negotiations, with their mortgage lenders, we were able to increase each households income to help meet their housing costs.

Cllr Neil Bent, Portfolio Holder for Housing and Community Involvement, said "It is really important that anyone concerned about getting into mortgage or rent arrears acts as soon as they can. Not a lot of people know that the Council can offer you help regardless of whether you are a private tenant or you own your own home. Please get in touch and talk to our friendly team. We are continuing to do all we can to help people avoid homelessness".

Contact Housing Options on 01803 208723

EMPTY HOMES PARTNERSHIP

As part of the Empty Homes Partnership, Exeter, East Devon, Mid Devon and Teignbridge local authorities are launching an exciting new event. It is designed for the benefit of landlords, new or old, seeking advice on how to manage their rental property.

There will be a mix of exhibitors including council, partner and commercial exhibitors, including community police, fire, Exeter University, deposit protection, local contractors and suppliers, energy advice, letting and estate agents.

In addition, a programme of seminars will be available offering free and impartial advice covering relevant topics such as taxation/accounting advice, Local Housing Allowance (housing benefit) changes, energy efficiency, business advice, property hazards, and deposit disputes.

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WHY CHOOSE AN AGENT?



The use of an agent in letting and managing your property portfolio is a personal choice. Busy lifestyles do not always allow landlords the time required to let out property – the finding of a tenant alone can be extremely time consuming.

In addition, time need to arrange viewings, chasing up of references and the placing of adverts in the paper are not only timely but can be a financial strain, as well as an emotional one. Changes to legislation can mean subtle changes to the wording inside a tenancy agreement and this interpretation of the contract between a landlord and a tenant can be interpreted differently by a court of law.

It is, therefore, vital to ensure that a landlord keeps up to date with changes in legislation or the interpretation of contract law. This is so any court action taken is done so in the safe knowledge that a landlord has let a property with the best of intention and that the agreement to all intents and purposes is solid.

The use of an agent can take away all of these problems. Any reputable agent should advertise the property and conduct viewings and interview prospective tenants regarding their reasons for wanting accommodation. The agent should take up full references and delve deeper into a tenant's background than a landlord would usually be able to do. They can discover tenants' motivation for seeking accommodation through that agency and the reason for leaving their current accommodation. Letting a property is always a risk but this type of investigation is aimed at reducing the risk, to ensure a trouble free tenancy.

It is also worth remembering that reputable agents would also have knowledge regarding how a property should look and adhere to health and safety regulations. This includes a risk management assessment of the property to ensure both the wiring and the gas supply to the property are safe and tested.

Fees paid to an agent can differ considerably and the old saying that 'you only get what you pay for' is the same in the world of letting. Remember that an agents' fees are tax deductible and this reduces the cost paid directly by a landlord to an agent. It is worth spending more for an agent that is accredited by Torbay Council and is a member of one of the main professional bodies such as the National Association of Estate Agents or the Association of Residential Letting Agents. As members of these, agents have to attend regular courses in order to complete their target of yearly professional development and are, therefore, kept abreast of changes in legislation and business practice, which may affect the tenancy.

**Adrian Blaxley MNAEA, ARLA
Mashford Letting & Management**

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Delegates will also have the opportunity to book a free energy survey for their properties and find out more about energy grants.

Open from 12 noon until 7pm at Sandy Park Conference Centre (near J30, M5), on Wednesday 24 November 2010, attendance is FREE to all delegates with free parking and refreshments.

If you would like to learn more about the event, either as an exhibitor or a delegate, please contact Amanda Knight on 01392 265865 or email empty.homes@exeter.gov.uk

CUSTOMER FORUMS

Torbay Council has been running a series of very successful Customer Forums during the past twelve months and on 15 July 2010 we held our first Landlord Customer Forum at the Windmill Centre in Torquay.

17 landlords attended the event to look at the information, advice and services the council offers for landlords in the Bay. We also discussed partnership with the private sector and ways of making this stronger, so landlords could feel confident about letting to private sector customers.

The next customer forums are:

Customer Forum - a general Forum for those who use the council's services
10 November 2010, 2 pm

Landlords Customer Forum - for landlords in the Bay. St Paul's Church Hall, Preston, Paignton
2 December 2010, 2pm

If you would like more information about these forums, or would like to take part, please contact the council's customer engagement team. engagement@torbay.gov.uk or by calling 01803 207247.

Electrical safety

Presenting your property for letting should not only take into consideration the aesthetic look of the premises but also the safety issues that surround the use of electricity within rented accommodation.

Since April 2006, it has been illegal to let a property without an electrical safety check and anyone that does so could be breaking the law.

Ring mains wiring within the property can conceal unknown dangers caused by amateur rewiring of sockets, for example. Unless these changes are professionally tested, these danger points may never be realised until it is too late. The overheating of under sized cables or badly wired junction boxes can easily result in a major fire. This could lead to prosecution for the landlord and possibly manslaughter charges should there be a fatality. It is, therefore, vital to inspect the wiring of all rented accommodation periodically and it is recommended that this is carried out at least once every five years.



Since January 2005, any electrical work carried out has to be done by a registered electrical contractor and the relevant electrical installation or minor works certificate issued for any works carried out. The British Standards BS7671 (2001) also recommends that existing installations should have a periodic inspection report carried out to whether the installation is in a satisfactory condition for the continued use.

The report consists of the details of the premises, a schedule of the test results, and the lists of observations and recommendations. These are coded one to four with any code one remedial work recommended to be dealt with immediately.

The testing of appliances is also important and this needs to be undertaken with the change of every tenant or at least annually, whichever is the soonest. Portable appliances should be in a safe condition with no damage to the flexes and fitted with the correct ampage fuse. A modern plug with sleeves over the live and neutral terminal is also required under the plugs and sockets act 1999 and a small dated sticker is left on the socket to confirm the date the appliance was tested and when it would appropriate to re test. This acts as a permanent record and confirms to any ingoing tenants that the accommodation to which they are living is, to all intents and purposes, safe and secure. The landlord is also able to show "best practice" by being able to supply these certificates on demand of any tenants in the future.

Adrian Blaxley MNAEA, ARLA - Mashford Letting & Management

LANDLORD INFORMATION AND ADVICE

Torbay Advice Network (TAN) in partnership with Torbay Council is running a series of landlord training and information days from November through to January.

Date/time	Topics	Venue
8 November 9.30am-1 pm	Tenancy agreements; anti-social behaviour; and supporting people	Ballroom, Oldway Mansion, Paignton
25 November 1 pm-4pm	Housing standards; housing benefit; council tax for landlords	Paris Room, Oldway Mansion, Paignton
25 January 6.30pm-9pm	Anti-social behaviour; housing benefit; surgery and drop in sessions	Ballroom, Oldway Mansion, Paignton

Representatives from Safer Communities, TOR2, housing standards and Supporting People will be attending the drop-in sessions plus legal advice and help will be available.

For further contact the Torbay Advice Network on: **01803 207532** or e mail:torbayadvicenetwork.com



RECYCLING AND REFUSE COLLECTION...

You will hopefully be aware by now that changes to Torbay's recycling and refuse collection service took effect from Monday 6 September.

Improvements to the service include the provision of various containers for recyclable items and these have already been delivered to properties across the Bay.

Arrangements are also being made for recycling facilities in blocks of flats.

We appreciate that it will take some time for our residents to get used to these changes.

We would like to ask for your help in raising awareness and would appreciate it if you could contact or visit your tenants/clients and offer them whatever assistance they need to ensure that the new service operates effectively.

RESPONSIBILITY FOR WASTE COLLECTION

Why do some people berate Landlords, after all, aren't they fulfilling an important function in the housing market?

The answer is, of course, they are. When low cost or affordable housing is in short supply, this need must continue to be met.

People from all walks of life choose to live in rented accommodation, owner occupation is not the best option for everyone. We can't all afford mortgages, and for those who find themselves at the lower end of the financial spectrum, it may be the only option available. It can be an important temporary measure which many of us have used, for example, when relocating or when studying.

Most landlords take their responsibilities very seriously and maintain their properties to a good or high standard. They realise that selecting good tenants is vital in protecting them as landlords and ensuring that the tenants will be responsible. For example, professional landlords usually check credit references and previous addresses or references provided by other landlords.

However, a small number of landlords do not do this, which can cause both the landlord, the community and the local authority problems.

Tenants are individuals who must be responsible for their actions, as with any other section of society. However as a landlord, you have a much bigger role to play than just collecting the rent.

Anti-social tenants are responsible for a variety of local authority complaints and it is quite often when landlords do not have tight control on those occupying their premises or that they play a key part in managing those tenancies well.

One example of these complaints is the handling of domestic waste.

Domestic waste issues, compliance and enforcement, occupy a large percentage of officer time across most UK local authorities. Incorrect or inadequate waste storage and presentation has a dramatic affect on the neighbourhood, the economy and on individuals. Who wants to live in an area where waste is continually strewn along the roads with scavenging birds and vermin openly being invited to feast? Not me nor I suspect you!

So what can you do to help?

The Environmental Protection Act places a responsibility on Torbay Council to collect domestic waste. The newly formed TOR2, which is a joint partnership between Torbay Council and May Gurney, is responsible for the domestic waste collection within Torbay. Torbay Council has the power to regulate waste by prescribing the receptacles in which waste is stored, when and where it should be presented for collection and when those receptacles should be removed from the highway following collection.

When problems are experienced, legal notices can be serviced on occupiers setting out specific conditions to be adhered to. If following the service of a notice, the recipient should continue to fail to adhere to the conditions, the authority has a couple of options. The matter could be referred for prosecution and would be heard at a Magistrates Court where, upon conviction, a penalty of up to £1000 could be incurred.

Alternatively, the local authority might consider offering a Fixed Penalty Notice which is currently set at £100 for each and every offence.

Both of these actions take officer time and money. They are the ultimate sanction and whilst most authorities try to educate the community through extensive compliance work, the council cannot lose sight of the fact that prosecution is also an education tool. The local authority has, and will, continue to consider legal action against both landlords, tenants and owner occupiers.

A dramatic change affecting the responsibility to collect waste came into force when the Climate Change Act of 2008 was introduced. Section 76 of that Act states that a waste collection authority is not obliged to collect household waste that is placed for collection in contravention of a requirement under the Environmental Protection Act. Therefore under these circumstances, Torbay Council could charge for collecting household waste in these incidences.

You can start to see how this might affect you. If your tenant, for whatever reason, has decided they can't be bothered to deal with their waste responsibly, accumulations are going to be left uncollected outside of your property and these may fall back to the landlord's responsibility.

Selecting the right tenant and actively managing your tenancies is the best way to protect you.

Here are some suggestions:

Provide or create adequate storage within your property for waste to be kept safely outside of collection times. We accept this is not possible in some areas of Torquay.

Advise, in writing, to all new tenants times of refuse collection and how they should manage their waste.

Liaise with the council or TOR2 regularly to discuss and deal with emerging problems before they become even bigger problems. Examples of these are:

- Domestic household waste issues
- Excess waste left on your land around collection areas
- Indiscriminate discarding of sharps into domestic waste as opposed to the use of sharps containers or via the needle exchange program at dispensing chemists
- Consider arranging additional collections as required
- Make sure that all discarded possessions are disposed of at the end of tenancies before new tenants take





PROPERTY CLOSURES FOR ANTI-SOCIAL BEHAVIOUR



You may have seen in the local paper some recent reports of properties being closed down by the council and police. These are, as most people would agree, extreme measures and are only taken as a last resort. This can only take place when all other intervention by various agencies has failed.

Closures are not exclusively linked to privately rented properties but can be used for any tenure type, however, it is

seen more with properties in the private sector. Housing association properties are more actively managed than some of those in the private sector, and this can be key to finding solutions when problems initially arise.

The notice, which has to be served, is under Section 1A of the Antisocial Behaviour Act 2003 and Immigration Act 2008. This means the police apply to the magistrates court who then have the power to order immediate closure. Before the case goes to court, a large amount of work would have taken place to address the problems, including trying to work with the landlord and tenants. If this is not successful, evidence is then collected from all agencies and those in the neighbourhood.

The police have taken the lead in closing three properties in Torbay involving three separate landlords and approximately 25 tenants and numerous dogs. Police were executing the initiative under recently introduced legislation. This deals with properties which are associated with serious and persistent anti social behaviour and drugs.

The council worked closely with the police to make sure those effected by any closure could be dealt with. This would range from being safely re-housed in some cases or providing advice and the relevant support services in

others. It was vital to try and ensure that any issues were not transported to another location when the residents were dispersed. Part of this would be tracking people and cross referencing new reports of ASB. It is also an opportunity for some residents to engage with support services to tackle issues such as drink and drug problems.

The police and other staff had a key role in reassuring the local community and residents in the area. The properties will remain closed for a full three months, after which time a further application can be made to extend that by another three months. Two of the properties subject to this action have had this closure notice lifted and are currently reoccupied. There are no reported incidents to date.

In terms of costs incurred in taking this type of action, these are high but this needs to be weighed against the costs of numerous agencies undertaking various visits over a long period of time. The landlord will also be deprived of rental income and the costs for works which may be needed as part of the measures needed to bring the property back into use. These all need to be looked at, along with the costs to the neighbourhood suffering from this persistent problem.

It needs to be emphasised, that the way in which private landlords manage their business can have a direct impact on these issues. Landlords on the whole, seek to address problems which they are aware of and use the terms of the tenancy to do that. Ultimately, it is best the landlord works with the local authority to co-ordinate action.

This is assuming the landlord is not part of the problem, which has not always been the case. The council has developed a landlord tool kit which may be useful. It can be accessed via the Safer Communities website and has model letters and a suggested process which landlords can follow. This helps address problems before they escalate to the point where property closures are being considered by statutory agencies.

Housing Benefit News

In the Chancellor’s budget changes were announced which will affect Housing Benefit and here is a summary of those changes:

- Local Housing Allowance (LHA) calculation. This is going to be set at the 30th percentile of local rents instead of calculating the LHA figure by means of the median figure as at present. An easy way to understand this is to view the current “median figure” as the 50th percentile (exactly halfway on the table of rents) and the 30th percentile as roughly a third on the table of rents.

This is not likely to happen before October 2011.

This table shows how this might affect the LHA rates in Torbay – this is for illustration only and the LHA rates at the time of the change may well be different:

Broad Rental Market Area (BRMA)	LHA - June 2010 (based on median calculation)						LHA 30th percentile (based on June 2010 LHA)				
	1 room	1 bed	2 bed	3 bed	4 bed	5 bed	1 room	1 bed	2 bed	3 bed	4 bed
Torbay (South Devon)	£67.00	£98.96	£130.00	£155.34	£195.62	£253.15	£62.50	£92.05	£120.13	£144.99	£182.96

All figures are indicative only, and not actual statements of fact

Non-Dependant Deductions. These will be linked to more closely to the rise in rent levels and will change from April 2011

- Local Housing Allowance will be uprated by using the less-generous Consumer Price Index (CPI) from April 2013.
- Reduce Housing Benefit awards to 90% after claimants have been on Job-Seekers Allowance for 12 months from April 2013.
- An extra bedroom allowance for disabled tenants who have non-resident carers will be allowed from April 2011. Details of how the rules on this will operate are yet to be published.
- Local Housing Allowance: there will be a cap on the maximum rents for each property size as below and with an upper limit of 4 bedrooms from April 2011.

- £250 a week for a 1 bedroom property
- £290 a week for a 2 bedroom property
- £340 a week for a 3 bedroom property
- £400 a week for a 4 bedroom property or larger

This change will not affect any of the LHA rates for Torbay and its impact will be mainly in the London area

- There will be additional Discretionary Housing Payments (DHP) allocated to Local Authorities - £10 million nationwide in 2011-12, £40 million per annum nationwide for 2012-13, 2013-14, 2014-15.

The government predicts that that these changes will generate budget savings of £220 million in 2011/12, £600 million in 2012/13, £1.64 billion in 2013/14 and £1.765 billion in 2014/15.

In addition, the £15 weekly excess (cap payment) that some customers can receive under the Local Housing Allowance arrangements will be removed probably in April 2011.



Needle Hazards

Routine monitoring of waste in Torbay has recently highlighted an instance of clinical waste, including used needles, being discarded in black bin bags and left at a GP surgery for disposal.

This is illegal and punishable by a large fine and poses a very significant safety risk.

Used needles and syringes can carry blood borne virus such as HIV and Hepatitis, which are easily transferred to the bloodstream should someone accidentally stab themselves.

A poorly discarded used needle will not discriminate - a child, refuse worker, or any other member of the public can very easily become a victim of such irresponsible behaviour.

Safe and correct disposal is absolutely vital and placing such dangerous waste in a bin bag threatens the life of anyone who should come across it. Landlords have also found, when tenants leave, needles in their properties.

Only fully trained staff, with the proper equipment, should ever dispose of needles and syringes. If you come across medical waste within a property, do not attempt to remove it. Staff such as the street wardens have the right training and are happy to collect them. However, this is only for areas which are covered by the street wardens. Alternatively, the council can arrange collection. For this service call 01803 402943 or 402965, there may be a charge.

If you are able to do so without putting your safety at risk, restrict access to the affected area until the waste has been removed. You should not allow new tenants to take up tenancies whilst needles still remain in the property. There was a recent case involving discarded used needles, where the landlord allowed a family with four children to move into a property without carrying out cleaning and checking.

Useful telephone numbers:

Benefit Fraud Hotline:
0800 731 2731
(free, confidential and open 24 hrs a day)
Torbay Council's
Benefit section:
Tel: 01803 207201
Fax: 01803 292866

Supporting People team:

01803 208377
Housing Advice
Enquiry Line:
01803 208723
Housing Grants/
Enforcement/
Standards & Advice:
01803 208717

Energy Efficiency:

Energy Saving Trust
(Insulation Grants):
0800 512012
Warmfront
(Heating Grants):
0800 3162814

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