

Thanet Landlords' Focus Group

Working for landlords in partnership with Thanet District Council



Wednesday 02 December 2015

Council Chamber, Thanet District Council, Cecil Street, Margate, Kent, CT9 1XZ

Meeting notes

In attendance:

Landlord representatives

Teresa Bartlett (Chair)

Sara Wade

Diane Solly

Hugh Horton

Lynne Sutton

Council representatives

Richard Hopkins (Housing Regeneration)

Louise Ritchings (Housing Regeneration)

Rachel May (Housing options)

Stuart Clifton (Housing Options)

Gill Holland (EK Services)

Abigail Raymond (Planning Services)

Apologies : Damien Cooke; Sally Brinson; Colin Mately; Steve Morgan; Marion Money; Tom Tennant; Keith Sharpe

1. Minutes of last meeting

LS requested that the discussion around the right to rent scheme and tenant referencing be included in the minutes; this was agreed by the group. The minutes will be amended and published on the Thanet District Council (TDC) website in due course.

2. Housing Benefit/council tax benefit update

GH informed the group that there is £62,000 remaining in the discretionary housing fund. The fund will be prioritised for the remainder of the financial year; high priority cases will include families and people with disabilities. GH said the majority of the discretionary housing fund has been allocated to support rent in advance payments and deposits.

GH advised of a change to the 'absence from home' benefit which was announced in the Autumn Statement. As of April 2016 any claimant that leaves home for a period longer than 4 weeks will no longer be entitled to the 13 week payment.

The autumn statement also announced that as of April 2016, social sector rents will be limited to local housing rates. The cap will only apply to new tenancies that begin on or after 1 April 2016. SW stated that over the last 12 months she has noticed a change in the rents she can receive and is concerned that the LHA rates are pushing people out of the private market. TB added that 20% of her managed stock has sold in the last 18 months.

GH confirmed that the government will be rolling out the digital service for Universal Credit in 2016. The first tranches of the rollout will be in Dover and Canterbury with all new applicants being required to apply online.

3. Cliftonville Conservation Area (Public Consultation)

AR attended the focus group to advise members of an upcoming public consultation to designate a further five conservation areas in Cliftonville. The proposed conservation areas are Northdown Road, Edgar Road/Sweyn Road, Clifftop, Norfolk Road/Warwick Road/Surrey Road and Clifton Place/Grotto Gardens. The consultation will run from January 2016 to March 2016 and will include leaflet drops and events for local residents to have their say on the proposals. AR added that the designation of a further 5 areas should not impose any additional costs to owners in the area.

4. Housing Options: Landlord Liaison Officers update

There was no update at this stage; however, RM was introduced to the group as she has been reappointed as a Landlord Liaison Officer within the Housing Options Team. RM advised the group that there will be an update at the next meeting.

5. Matters for discussion raised by:

(a) Marion Money

Is there any impact on the current policy following UKIP losing its majority? In particular on the existing Licensing proposals and the exploratory 'feelers' into other areas of Thanet

Is there any protocol being adopted between Housing Needs and EHO with regard to the Retaliatory eviction legislation introduced in the Deregulation act?

In May 2015 33 of the 56 elected members were UK Independence Party (UKIP) representatives. RH informed the group that since then members have reduced and UKIP no longer have an overall majority. Whilst UKIP no longer hold the majority, they are still in control and form the Cabinet. RH does not see any impact on the existing licensing proposals, at this stage.

RH informed the group that a guidance document on retaliatory evictions can be found on the gov.uk website. Where a tenant has an issue with a property, guidance states they must put a complaint in writing to their landlord. The landlord then has 14 days in which to make a satisfactory response. If an unsatisfactory response is received, or as a result of the complaint the tenant is issued with a Section 21 notice, the tenant is advised to contact the local authority to arrange an inspection under the Housing Health and Safety Rating System (HHSRS). If the local authority serves a notice on the landlord or takes emergency remedial action then the Section 21 notice will be suspended and cannot be served for a 6 month period.

SW stated the council should provide a landlord with notice of such an inspection, in order to give them time to respond to the complaint. RH added that the Private Sector Housing: Enforcement Policy and Guidance states how landlords must be notified. HH highlighted the need to be mindful as tenants may attempt to use this legislation to avoid lawful evictions; however RH confirmed that if no issues are found with the property than the Section 21 notice would stand.

6. Selective licensing update (existing scheme)

The current selective licensing scheme is due to expire on 20 April 2016. To date, approximately 2000 properties are licensed and a further 100 are being investigated to establish whether a licence is required. A total of six rent repayment orders have been made, with the most recent landlord being ordered to repay £6100 of housing benefit payments. Approximately 1000 inspections of licenced properties have been carried out; around half of those inspections identified category 1 and/or 2 hazards. RH added that the inspection programme will remain ongoing for the duration of the scheme.

RH advised of an unsuccessful prosecution where the local magistrates found a not guilty verdict based on the council not advertising the scheme in London; the landlord's home location. The council disagreed with this decision on the basis that the requirements under Section 85 (4) of the Housing Act 2004 had been met. The council appealed against the magistrates' decision and this was heard in the High Court in October 2015. The High Court agreed the appeal and the acquittal was struck off; the case will now return to the Magistrates' Court for a re-trial. The council does not have to advertise its selective licensing scheme outside its area.

7. Selective licensing (Public Consultation)

RH informed the group that the public consultation on designating a further five year selective licensing scheme had now finished. The proposed designation concerns the area that is currently designated with the addition of parts of Trinity Square and Northdown Road that were excluded from the original scheme. The public consultation was publicised through various means including 62 signs being put up across the proposed area along with some surrounding roads, social media, a public open day being held, adverts were placed in local papers and landlords, licence holders, managing agents and local residents were all sent letters and a survey. There were also 72 appointments available for landlords to speak with officers directly, although only 10 of these appointments were taken.

The council received a total of 404 responses to the consultation. Overall, 72% of respondents were in support of the scheme, with 18% against and 10% unsure. The public consultation survey carried out for the current designation in 2010 revealed that while there was public support, it was less obvious, with 49% in favour and 44% against.

RH advised that councillors will make the final decision on whether a further selective licensing area is designated. The proposal including the results of the public consultation will be heard at an Overview and Scrutiny Panel on 15 December 2015. Members will have the opportunity to consider the proposal and make any recommendations which will feed into the final report, due to be heard at a Cabinet meeting on 19 January 2016.

8. Any other business

The group agreed to look at putting together a response to the council's policy on council tax exemptions for empty properties. TB stated she would meet with MM to discuss the matter further. It was agreed the response should be sent to Cllr Wells.

RH explained to the group that the local authority is responsible for enforcing the new Smoke and Carbon Monoxide Alarm (England) Regulations 2015. As such the council must set a fine level which can be fixed at up to £5000. The penalty charge will be issued if landlords fail to respond to a 28 day notice. Other local authorities have set a range of fine levels varying from £500 to £5000. TB felt that a minimum of £2000 would be a reasonable fine. RH agreed and suggested that for a first offence the fine could be set at £2000 with 50% off if paid within 14 days; any subsequent offence could be set at £5000 with 50% off if paid within 154 days. This was considered reasonable by the group. RH advised that the proposed fine levels will be heard at Cabinet before a final decision is made.

SW suggested that all legislation changes that have been made over the last 12 months should be promoted at the next Landlord Event.

End: 4.40pm

Summary of Actions:

Action	Timescale	Lead
Amend the minutes of previous meeting to include the discussion around the right to rent scheme	March 2016	Louise Ritchings

Chair: Teresa Bartlett

Please direct any enquiries to:

Louise Ritchings

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