

Central Bedfordshire
Council
Priory House
Chicksands
Shefford
SG17 5TQ

Date
1st February
2019

To whom it may concern,

Housing Enforcement Consultation

Thank you for the opportunity to respond to the above consultation.

The RLA represents the interests of landlords in the private rented sector across England and Wales. We're home to over 50,000 landlords nationwide, with a combined portfolio of over a quarter of a million properties. A growing community of landlords who trust and rely on us to deliver day-to-day support, expert advice, government campaigning, plus a range of high-quality services relevant to their needs.

Q.1: We are able to impose financial penalties rather than prosecute landlords that commit the following offences under the Housing Act 2004

Section 30 failure to comply with improvement notice

Section 72 offences in relation to licensing of HMOs

Section 95 offences in relation to licensing of houses under Part 3 selective licensing

Section 139(7) failure to comply with overcrowding notice

Section 234 failure to comply with management regulations in respect of HMOs

We can impose a fine up to £30,000 and the level of fine depends on the individual circumstances of the offence

The RLA agrees that the fines the council are proposing are proportionate and fair and makes effective use of the enforcement powers given to councils under the Housing and Planning Act. A fine will be more suitable to prosecution and would be a good deterrent for future offending.

Q.2: An application will be regarded as valid if the following have been received by the Housing Solutions team:

A duly completed application form, signed and dated (this can be subject to certain agreed omissions in certain circumstances);

A reasonably accurate plan of the property indicating room dimensions and the

RESIDENTIAL LANDLORDS ASSOC.

position of standard amenities, plus the location of any smoke/heat detectors and fire doors;

A valid gas safety certificate (if the property has a gas supply);

A valid emergency lighting system test certificate issued in the last 12 months;

A valid fire alarm test certificate issued in the last 12 months;

A valid periodic inspection report of the electrical installation;

A valid recent Portable Appliance Test (PAT) certificate (if applicable);

The appropriate licence fee.

If an unreasonable delay is caused by the landlord in not providing the above requirements, or there is a lack of cooperation, we would consider reducing the term of the licence from the maximum 5 years. If the application is granted, this would bring additional cost to the landlord as a shorter licence period would mean that the licence would need to be renewed earlier. A licence renewal would incur a fee.

The RLA agrees that the council would be within its power to issue shorter licences if a landlord causes unreasonable delay and does not cooperate during the HMO Licence application process. The RLA does advise however that the council is mindful of what documentation they request as part of the licence process, taking into consideration *Gaskin v Richmond*, as local authorities can only ask for the information set out in the relevant regulations, and nothing else.

Q.3: A Rent Repayment Order means that a Landlord can be taken to tribunal, where up to 12 months' rent can be reclaimed. We are proposing to offer a (non-mandatory) service to tenants to assist with the process of applying for a rent repayment order. The service would be offered on a no win, no fee basis and if the tenant is able to recover rent, 10% of the amount recovered would be payable to Council cover the cost of this service.

The RLA strongly agrees with this proposal, as it shows that the council has accurately read the legislation concerning Rent Repayment Orders.

The RLA offers training sessions for council officers covering a wide range of topics, such as property standards, responsibilities of a landlord and letting agent and legalities concerning tenancy agreements and the eviction process. The RLA has already successfully delivered training to several local authorities across the country such as Gateshead, Westminster, Sheffield and Burnley council, and can be tailored to suit the councils' needs, whatever they may be. For further information of training and landlord support, please contact our Academy Trainer Alex Nolan at alex.nolan@rla.org.uk.

Yours sincerely,

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