

Landlord & Agent Forum

25 April 2024
10.00 start



RECORDING



Agenda

10.00	Housekeeping	
10.05	Welcome	Gail Siddall, Head of Regulatory Services
10.10	Fire Alarms and Carbon Monoxide Alarms	Ben Malton, AICO
10.45	Sub-letting and other issues: Landlord remedies	Peter Littlewood, ATLAS Trainer
11.15	Break	
11.30	Refugee Resettlement Scheme	Dorata Antoniak, Oxford City Council and Iona from Asylum Welcome / BEAM
11.35	HHSRS	Joe Gould, Principal Lead Officer
11.45	Selective Licensing Update	Gail Siddall, Head of Regulatory Services
12.00	Q&A / General Feedback from Landlords / Agents	
12.30	Close	

Housekeeping



The session will be recorded. Please turn your cameras off.

Questions

Designated slot after each presentation.

Put your questions in chat

Break

Mid way through the morning

Welcome

Gail Siddall, Head of Regulatory Services



Fire Alarms

Ben Malton, AICO

Note: Slides not available due to restrictions set by AICO

For more information on fire alarms please see

<https://www.aico.co.uk/technical-support/guides-and-publications/>



Questions

- **Do Gas Free homes require CO Alarms?**

Ans: Gas free homes do not require CO alarms unless there are solid fuel burning appliances e.g. wood burning stoves

- **Is it a legal requirement that standard rental properties must be Grade D1 LD2 alarm system?**

Ans: To meet the Smoke and Carbon monoxide regulations, a battery alarm is acceptable. However, under the HHSRS system then battery alarms will be a deficiency and the landlord may be asked to install mains powered alarms. Under the Electrical Wiring regulations when electrical work has been undertaken the British Standards will apply and so Grade D1 LD2 is required unless through risk assessment a deviation is specified.

- **Does the new sensors retro fit on the base plates that existing AICO Sensors fit on?**

• **Ans:** All Aico mains powered smoke and heat alarms, along with all future product developments are compatible with easi-fit bases, meaning you won't need to wire in a new base when you come to re-new or upgrade the alarms.

Questions

- **Why Gas Cookers do not need a CO Alarm?**

Ans: The standard recommends an alarm, however the law doesn't as the cooker may be a tenant's own appliance, in which case the landlord doesn't service it etc.

- **Is it okay with the cable linked 40 series bases?**

Ans: The British Standard BS5839:6 Table 1 stipulates the minimum grade and category of alarms. As such Rental homes require D1 alarms (aico 3000 series) The 140 Series of alarms are D2 alarms, which are for use in owner occupied homes.

- **If a property has fire places which are blocked off and capped, is a CO meter not required?**

Ans: The legislation relates to fuel burning appliances. I would suggest a CO alarm be installed if an open fireplace is visible in the room, capped or uncapped. If the fireplace has been completely sealed off, for example bricked up the opening then no a CO is not required as there is then no fuel burning appliance within the room

- **I suspect moving from D2 to D1 will be common problem with an HMO that has individual tenancies so smoke detectors in every fitting room as well as the communal areas. Is it acceptable to wait until the 10 years expiry on the Ei14ls arrives?**

Ans: A battery alarm system is not acceptable for HMOs. For HMOs with individual tenancies then mains powered alarms are required including in bedrooms (Grade D minimum). This is based on risk assessment as the necessary and suitable fire precautions. Deviation may be possible if the landlord has completed a suitable fire risk assessment. As part of the fire risk assessment, this would include reasons for not changing from D2 to D1.

- **Is a fire alarm interlock required to shut down a whole house ventilation system in the event of fire?**

Ans: It depends on the fire risk assessment

- **What about a CO Alarm where there is solid fuel or oil burned for heating?**

Ans: Yes, Alarms are required by law in these circumstances, as the las states fuel burning appliances excluding cookers, however cookers are included within the Standard, so I would suggest you follow the standards.

- **Are we allowed to ban candles in our letting conditions, via our fire risk assessment for the property?**

Ans: This is a tenancy management issue, I suggest advice is sought from a letting specialist

Sub-letting and other issues: Landlord remedies

Peter Littlewood, ATLAS Trainer



LANDLORD ACCREDITATION SCHEME



“Helping you get it right”

Peter Littlewood

Co chair and LLAS/ATLAS Trainer



WHAT IS ACCREDITATION?

- Voluntary scheme for landlords and agents
- Make attendees aware of:
 - Standards
 - Good practice
 - legislation
- Opportunity for networking/discussions



MAIN ELEMENTS OF ACCREDITATION

- Knowledge based not property based
- Fit & Proper Person
- Code of Conduct
- Development Course
 - One day
 - Independent professional trainers
 - Validation exercise
- Continuous Professional Development



AIMS OF ACCREDITATION

- Enables members to operate successful businesses
- Members to provide their tenants with safe and high-quality accommodation
- Reduce the need for intervention from local authorities



HOW TO MANAGE SUBLETTING, ETC

Critical steps:

- Take a lot of time at the outset, it'll be time well spent:
 - gut instinct – vital
 - Use an application form to capture all information
 - If an HMO – will all get on together?
 - Referencing – best £30 you'll spend
- Get all the paperwork correct – all tenants and permitted occupants mentioned
- Keep a regular eye on the property
- React when required

Above all, communicate; communicate; communicate.



HOW TO MANAGE SUBLETTING, ETC

How to handle problems:

- Verbal discussion, where possible – confirm conversation in writing (email/letter)
- Series of stronger communications
- Might want to involve the local authority
- Notice to quit – make sure all proof for a Section 8, and/or conditions met for Section 21



HOW TO MANAGE SUBLETTING, ETC

Subletting:

- Must be in the tenancy agreement, else would be allowable
- Getting proof can be difficult – unable to make intrusive inspections
- Note that subletting can cause an HMO. In Oxford, all HMOs require licensing – inform the Council, and let them know you are taking steps to rectify.



HOW TO MANAGE SUBLETTING, ETC

Subletting:

- Serve a Section 8, Ground 12 - Any obligation of the tenancy (other than one related to the payment of rent) has been broken or not performed. Discretionary ground
- Can also try S8, Ground 17 - The tenant is the person, or one of the persons, to whom the tenancy was granted and the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by:—
 - (a) the tenant, or
 - (b) a person acting at the tenant's instigation
- Also serve a Section 21 in case the S8 fails.



HOW TO MANAGE SUBLETTING, ETC

Overcrowding:

Statement by Oxford City Council:

- **All licences (HMO and Selective) are issued with a permitted number.**
- **HMO licence permitted numbers come from 2018 HMO regulations relating to bedroom sizes and 2006 regulations relating to amenity and facility standards**
- **Selective licences permit:**
 - **Occupants to remain where occupant numbers are above permitted number at time of licence grant**
 - **Increase in numbers due to family growth**
- **The Housing Health and Safety Rating System hazard of Crowding and Space applies to rented homes. This system takes into account more than the Housing Act 1985 and therefore our selective licence numbers are set to prevent a hazard occurring under crowding and space. For this reason, the permitted number may be less than the Housing Act 1985 would permit.**



HOW TO MANAGE SUBLETTING, ETC

Overcrowding:

- Involve the Council as soon as possible
- If breaking licensing conditions, advise licensing
- Are you able to offer alternative accommodation?
- Can the Council re-house?

Note that if a S21 is served, the Council may have a legal obligation under homelessness provisions to assist with re-housing (The Homelessness Reduction Act 2017)

- Serve a Section 8, Ground 12 - Any obligation of the tenancy (other than one related to the payment of rent) has been broken or not performed. Only if Application form used, discretionary ground
- Also serve a Section 21 in case the S8 fails.



HOW TO MANAGE SUBLETTING, ETC

Immoral use:

- Inform the tenant that the immoral use must cease immediately
- Advise that an eviction notice will be served if not ceased
- Serve a Section 8, Ground 14 – ASB ground – difficult to use unless conviction has taken place
- And Section 8, Ground 12 - Any obligation of the tenancy (other than one related to the payment of rent) has been broken or not performed. Only if Application form used, discretionary ground
- Also serve a Section 21 in case the S8 fails.



HOW TO MANAGE SUBLETTING, ETC

General:

Many of these problems can also be defined as Anti-Social Behaviour (ASB).

If a conviction has taken place, might be able to use Section 8 Ground 7A – mandatory, and grounds 14/14ZA – discretionary.

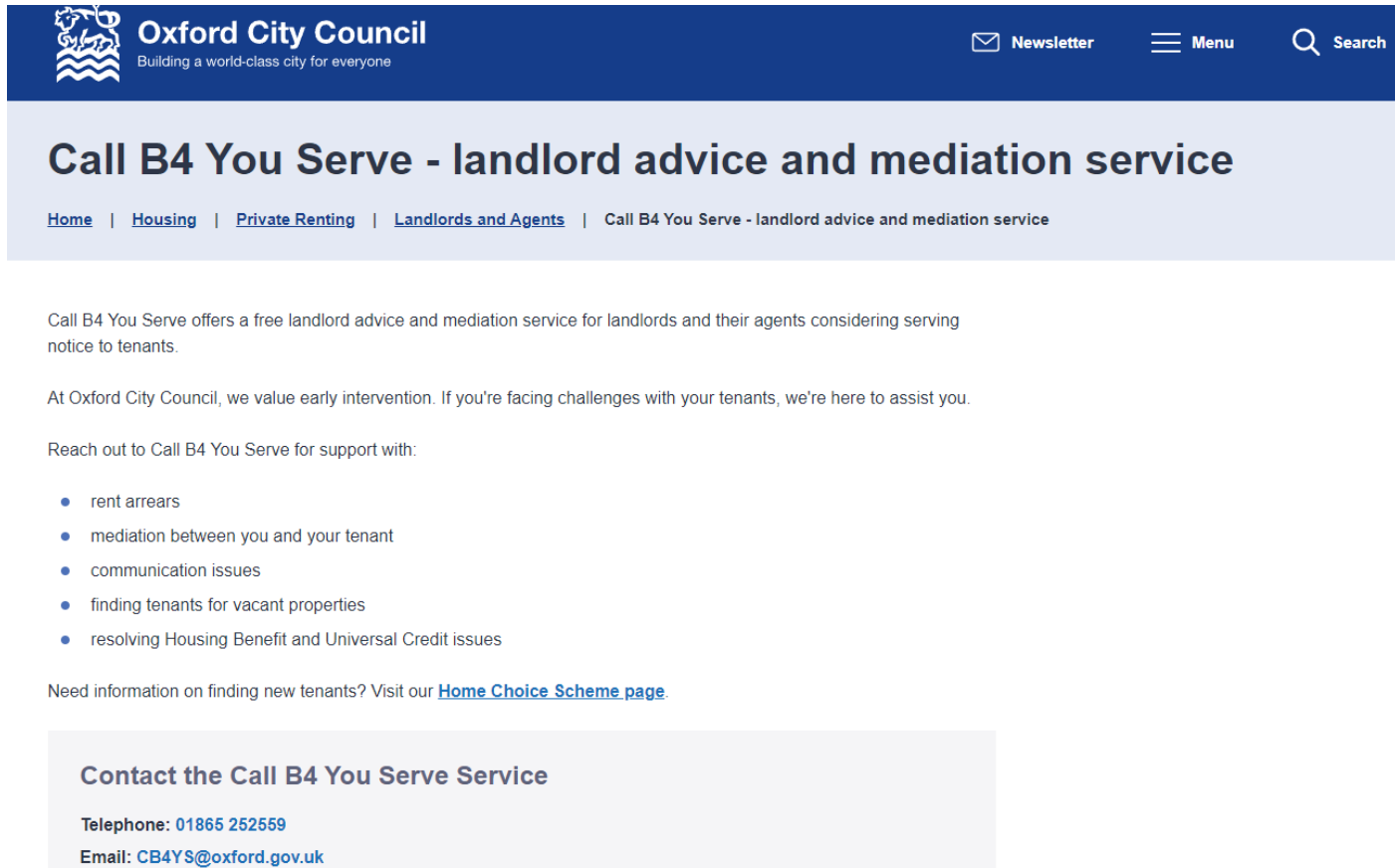
The Renters Reform Bill is attempting to address ASB (redefining to "'capable' of causing 'nuisance or annoyance'")



HOW TO MANAGE SUBLETTING, ETC

Oxford City Council has a free mediation service

<https://www.oxford.gov.uk/landlords-agents/call-b4-serve-landlord-advice-mediation-service>



The screenshot shows the top navigation bar of the Oxford City Council website. The header includes the council's logo and name, "Oxford City Council Building a world-class city for everyone", along with links for "Newsletter", "Menu", and "Search". The main heading of the page is "Call B4 You Serve - landlord advice and mediation service". Below this is a breadcrumb trail: "Home | Housing | Private Renting | Landlords and Agents | Call B4 You Serve - landlord advice and mediation service". The main content area contains a paragraph stating that the service offers free landlord advice and mediation for those considering serving notice to tenants. It also mentions that the council values early intervention and is there to assist with tenant challenges. A list of issues the service can help with includes rent arrears, mediation, communication issues, finding tenants for vacant properties, and resolving Housing Benefit and Universal Credit issues. A link is provided for finding new tenants: "Home Choice Scheme page". At the bottom, a grey box contains contact information for the service.

Oxford City Council
Building a world-class city for everyone

Newsletter Menu Search

Call B4 You Serve - landlord advice and mediation service

[Home](#) | [Housing](#) | [Private Renting](#) | [Landlords and Agents](#) | [Call B4 You Serve - landlord advice and mediation service](#)

Call B4 You Serve offers a free landlord advice and mediation service for landlords and their agents considering serving notice to tenants.

At Oxford City Council, we value early intervention. If you're facing challenges with your tenants, we're here to assist you.

Reach out to Call B4 You Serve for support with:

- rent arrears
- mediation between you and your tenant
- communication issues
- finding tenants for vacant properties
- resolving Housing Benefit and Universal Credit issues

Need information on finding new tenants? Visit our [Home Choice Scheme page](#).

Contact the Call B4 You Serve Service

Telephone: [01865 252559](tel:01865252559)
Email: CB4YS@oxford.gov.uk



HOW TO MANAGE SUBLETTING, ETC

General:

Deal with any problems and be seen to be dealing with them.

There is the potential of a large fine.



LLAS CONTACT

www.londonlandlords.org.uk

Email: LLAS@camden.gov.uk

Phone **020 7974 6975 / 020 7974 2834**



Break



Refugee Resettlement Scheme



Are you looking for long-term tenants?

Beam, an award winning organisation housing 120 refugee families across the UK in 2023, is collaborating with Oxford City Council to support refugee families into private rented housing.

- We need to home 8 Afghan refugee families in 2024/2025
- 3+ bedroom properties coming available over the 12 months

Benefits of joining the scheme

- **Fully screened tenants-** our families are fully supported to rent in the private rented sector
- £1000 Finder's Fee
- 2 months rent in advance
- 5 weeks deposit
- Void period-rent and council tax paid
- **Long-term support** from Asylum Welcome and Beam's Tenancy Management Team
- Selective Licensing costs covered

Beam's average landlord rating is 9.1/10

91% of Beam tenants sustained their tenancy for 12+ months

Interested in finding out more?

Please contact Iona at
iona@beam.org to discuss further



Iona Thompson
Senior Operations Executive

Questions

- **If only 6 month tenancies can be offered, would these be of any interest for the Refugee Scheme?**

Ans: This is not likely to be of interest however contact the council because other options may apply

HHSRS



HHSRS Guidance



Department for
**Communities and
Local Government**

Housing Health
and Safety Rating
System

Guidance for
Landlords and
Property Related
Professionals

housing

Property Inspection Form- Selective Licensed Property V2 July 2023

This form has been created to help landlords inspect their property (non-HMO). This list is not exhaustive and more detailed guidance will be produced. Further remedial works may be requested by the council.



Name of person undertaking inspection	
Role (e.g. agent / owner)	
Date of inspection	

Documentation	Answer
Current Gas Safety certificate- Annual Check	
Current electrical condition report (dated within 5 years) classed as satisfactory (no C1, C2 or FI codes)	
Current Energy Performance Certificate (EPC) with rating of E or above	

Safety Alarms	Answer
Working smoke detector on each floor of the property?	
Smoke alarm in any inner rooms off the kitchen/lounge	
Are the smoke alarms battery operated or mains powered? <i>Mains powered alarms are highly likely to be required under HHSRS</i>	
Working carbon monoxide detector in any room used as living accommodation which contains a fixed combustion appliance (age log burner/gas fire/boiler)	
Are RCD/Electric and Gas meters/water shut off valve accessible to tenants?	
Are the flats utilities separate (if applicable)?	

Hallways/Landing/Stairs	Answer
Thumb turn lock (and security glazing) to front door?	
Hand rails to all staircase(s)?	
Does guarding to stairs light wells extend up to 1,100mm from floor level and no openings in it that would allow a 100mm sphere to pass through?	
Is there adequate lighting and switches at the bottom and top of stairs?	
Is the loft insulated?	

HHSRS Guidance



- Gathering feedback from Agents and Landlords
- 3-minute survey to provide feedback on your understanding of HHSRS. (Scan QR code or follow link in chat)
- Survey open for a month.

Oxford City Council Landlord and
Property Professional HHSRS
Feedback

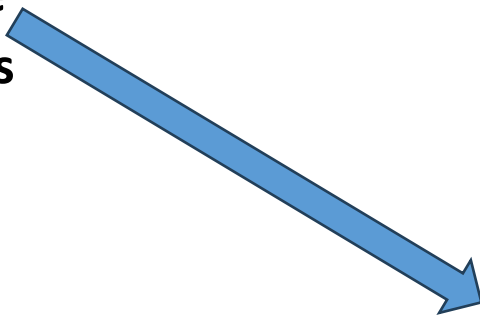


Questions / Comment

The Council website also has a presentation on HHSRS, including an audio-recording

See www.oxford.gov.uk/landlords-agents/landlord-agent-resources

You will also find the Selective licensing inspection checklist on this page as well as other useful resources



<https://www.oxford.gov.uk/landlords-agents/landlord-agent-resources>

- Oxford City Council [Guide for private rented tenants](#)
- HSE information on [Gas Safety Regulations on HSE website](#)
- Oxford City Council information on [Electrical Safety Standards](#)
- Oxford City Council information on [Private rented houses smoke alarm regulations](#)
- Oxford City Council information on [HMO fire safety information](#)
- Oxford City Council information on [Energy Efficiency Information](#)
- HSE information on [Legionella risk assessment on HSE website](#)
- Oxford City Council information on [Planning control for HMOs](#)
- Oxford City Council information on [Right to Rent](#)
- Oxford City Council information on [Tenant Fees Act](#)
- Government information on [tenancy agreements on GOV.UK](#)
- Oxford City Council [Agent Forum - July 2022 presentation](#)
- Oxford City Council [Landlord Information Exchange - August 2022 presentations](#)
- Oxford City Council [Landlord Information Exchange Sustainable Warmth presentation and video - August 2022](#)
- Oxford City Council [Selective Licensing Application Guide \(including video guide\)](#)
- Oxford City Council [Landlord Information Exchange - November 2022 presentation](#)
- Oxford City Council [Landlord Information Exchange - November 2022 presentation \(audio-visual recording\)](#)
- Oxford City Council [Landlord Selective Licensing inspection checklist](#)
- Oxford City Council [Landlord Information Exchange April 2023 Part 1 Welcome and Electrical Safety presentation \(Audio-visual recording\)](#)
- Oxford City Council [Landlord Information Exchange April 2023 Part 2 Housing Health and Safety System and Property Licensing presentation \(Audio-visual recording\)](#)
- Oxford City Council [Landlord Information Exchange - April 2023 HHSRS and Property Licensing presentation](#)
- Oxford City Council [Landlord Information Exchange - November 2023 presentation: Energy Efficiency, Damp and Mould and Property Licensing Update](#)

Selective Licensing update

Gail Siddall, Head of Regulatory Services



Year 1 Highlights



- **10,896 Applications received**
- **2139 Licences issued by 31/8/2023 and by 31/3/2024 – 6014, of these :**
 - **24.3 % Early Bird**
 - **53.4% Accredited**
 - **22.3% standard fee**
- **289 Service requests received which included 83 unlicensed cases.**
- **Service requests resulted in 142 property inspections to assess Housing hazards**
- **Formal enforcement action undertaken**
 - **1 Emergency Remedial Action notice**
 - **9 Prohibition Orders**
 - **6 Improvement Notices**

Future Actions



- **Proactive Inspections – based on property history and application details**
- **Complete issuing licences and reducing processing times – currently receiving approx. 80 applications per month**
- **Unlicensed properties enforcement**

Questions

- **When do we need to re-licence? Also would our team inspect those properties?**
 - It is only if the Selective licence scheme is renewed that you would need to re-licence. You would need to re-licence when your current licence expires. Licences are normally granted for 5 years.
 - The Council has an inspection priority for selective licences. Not all properties will be inspected, for example only a sample of accredited properties will be inspected.
- **Is the licensing regime also applicable to short lets? Are letting agents aware and taking appropriate action for their clients?**
 - Short-lets are exempt from licensing. However, the government recently announced legislation to require short-lets to be registered / licensed. The government is currently determining who should run the register. There is no start date as yet. See [Delivering a registration scheme for short-term lets - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/delivering-a-registration-scheme-for-short-term-lets)
 - Letting agents are aware of selective licensing and have engaged with the council to licence many properties. However, the council cannot comment on if letting agents are taking appropriate action on short-lets.
- **Would reminders be sent out from Selective Licensing team to renew in 5 years time?**

Ans: Yes. If the scheme renews, consultation must happen first so there would be plenty of notice.

Questions

- **Do you need to apply for planning for a short let in Oxford?**

Ans: Where the frequency of letting of a property on a short let basis is sufficient for it to be considered to be materially different than that of a normal C3 dwellinghouse, particularly whole house/flat lets, then planning permission should be sought for the retention of the short let use

- **What powers did the Council exercise to do a ban on short let properties? (reference was made to the Headington Shark House)**

Ans: With regards to 2 New High Street, colloquially known as the Shark House, the council used its powers under Section 172 of the Town and Country Planning Act 1990 (as amended) and served a planning enforcement notice requiring the unauthorised short let use to cease. The notice has been appealed and the matter is with the Planning Inspectorate. The council awaits the Planning Inspectorate's decision.

- **If one has HMO licence, do they also required to apply for SL? Or is it one or the other?**

Ans: It is one or the other. A property is either an HMO with an HMO licence or a non-HMO with a selective licence. However, you cannot switch between licence types. If the property has an HMO licence and then stops being an HMO and is let as a non-HMO then you must revoke (cancel) the HMO licence and apply for a selective licence (and vice versa).

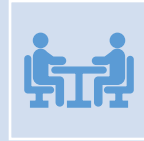


Questions?
General Feedback

Thank you for coming



Email will be sent out to attendees with links to slides inc questions raised



Feedback questionnaire, including opportunity for you to suggest ideas for next forum



Next forum will be Autumn 2024 – in person



Landlord newsletter to be sent early Autumn 2024



ATLAS our accreditation delivery partner has a training & conference day on



Accreditation training sessions available in 2024 in person in Oxford. Book via ATLAS