Welcome to Southend Borough Council’s Newsletter

This newsletter is to share useful information and articles so that we can work together to improve Southend’s Private Rental Sector and work more closely with all our partners.

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**Landlords Forum**

On Thursday the 3rd of November 2011 at The Darwin Room, The Tickfield Centre, Tickfield Avenue, Southend-on-Sea, SS2 6LL

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4pm Welcome, Registration and Refreshments

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5:00pm - Introduction
Simon Leftley, Corporate Director of Adult & Community Services or Councillor Salter (Portfolio Holder for Adult and Community Social Care, Health and Housing)

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5:10pm - Housing Needs & the Private rental Sector
Phil Warren, Housing Needs Manager, Adult and Community Services

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5:30pm – Selective Licensing Consultation Update

David Colwill, Senior Officer, Private Sector Housing

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5:50 pm - Increasing Recycling in Southend-on-Sea
Paul Terry, Senior Waste & Recycling Officer

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6:10 Changes to Local Housing Allowance
Tracey Nicola, Senior Project, Policy & Training Officer

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6:30pm Close
Benefit Changes to the Shared Accommodation Rate

Currently single people under the age of 25 years old are only entitled to the shared accommodation Local Housing Allowance rate, irrelevant of where they choose to live (by single people we mean living by themselves with no partner, dependant children, non dependants, carer or sub-tenant).

From the 1st January 2012, this age restriction will increase from 25 to 35 years old.

This is a significant change as it will mean that single people aged under 35 will only receive the shared accommodation rate of Local Housing Allowance irrelevant of where they live.

This will affect people as below:

- Single claimants aged under 35 making new claims to Housing Benefit on or after 1st January 2012 will be entitled to the shared accommodation rate rather than the one-bedroom self-contained rate
- Existing single claimants under 35 (and over 25) at 1st January 2012 who are receiving transitional protection from the April 2011 Local Housing Allowance changes will move to the shared accommodation rate at the same time as their transitional protection ceases
- Existing single claimants under 35 (and over 25) not receiving transitional protection, i.e. those whose claims are made on or after 1st April 2011 but before 1st January 2012, will move to the shared accommodation rate on the anniversary date of their claim

There are some exceptions to this change

- People who are entitled to receive a severe disability premium
- Ex-offenders who pose a risk to the public. They must be subject to active multi-agency management under the Multi Agency Public Protection Arrangements (MAPPA).
- A former rough sleeper or at risk of sleeping rough. They must have spent 3 months or more in a homeless hostel, or more than one hostel, specialising in rehabilitating and resettling this group within the community. They also would need to have been offered, and to have accepted support services to enable them to be rehabilitated or resettled in the community.

Paying Housing Benefit Direct to the Landlord

A new safeguard was introduced on the 1st April 2011. Payment of Housing Benefit could be made direct to the landlord where it was seen to 'retain or secure a tenancy'.
**What is meant by ‘Retain or Secure a Tenancy?’**

The tenant can only be accepted as being able to retain or secure a tenancy if the rent is at a level the Local Authority considers they can reasonably afford whilst in receipt of Housing Benefit.

If the tenant has a shortfall which they cannot meet they will not be able to retain the tenancy and so the safeguard will not apply.

**What is an affordable rent?**

In the vast majority of cases an affordable rent for the tenant will be the Local Housing Allowance rate which applies to the tenant.

**Applying the safeguard to existing tenancies**

For existing tenants, the Local Authority will need to confirm that there has been a genuine reduction in the rent charged by the landlord and it is in the tenancy agreement. In the majority of cases, this will need to be a reduction to the relevant Local Housing Allowance rate.

**Applying the safeguard to new tenancies**

The Local Authority can apply the safeguard if they are satisfied that:

- The rent has been reduced and is affordable; or
- The letting would not have been made without direct payments and the rent charged is affordable

**NOTE:** If the Local Authority is aware that the landlord has routinely let to Housing Benefit customers at affordable rents without direct payments it would be reasonable to expect that they would continue to take on new tenants without direct payments.

Single people aged under 35 will only receive the **shared** accommodation rate of Local Housing Allowance irrelevant of where they live.

**Reviewing the decision to make payment to the landlord**

Direct payments under this safeguard are conditional on the rent being kept at an affordable level whilst the tenant remains at the address. Any increase in the rent could affect the decision to make payments to the landlord.

**Would you like to write or suggest a future topic for an article?**

**Do you have some interesting stories or information to share?**

If so then please email: landlordsforum@southend.gov.uk

And we will consider it for a future edition.
An article in the previous newsletter outlined that the Council is considering a designation for Selective Licensing in three very specific parts of the Borough, which fall mainly within Milton and Kursaal Wards, with a small section within Chalkwell Ward. Landlords of certain Houses in Multiple Occupation (HMO) will know all about licensing as mandatory licensing was introduced for HMO under the Housing Act 2004.

Selective Licensing gives power to the Local Authority to introduce further licensing of all rented properties to help tackle the worst problems in the private rented sector where poorly managed and/or maintained properties and anti-social tenants are having a detrimental effect on local communities. A comprehensive Consultation Document was put out for consideration by the public, along with supporting documents, from 1st July to 23rd September 2011.

The consultation sought views from as wide a section of the community as possible, with large mail outs to landlords and managing agents and a mail drop of the proposed streets and those nearby. A number of local businesses and other interest groups were also contacted directly, with all parties given the opportunity to consider the information and complete a questionnaire or make other representations.

The response rate was very positive, with over 600 individual responses received, mainly in the form of completed questionnaires but also a number of letters and other queries were received. A series of nine public drop-in sessions were held, ran by members of the Private Sector Housing Team who were on hand to answer any questions and discuss the consultation information and concept of selective licensing.

These drop in sessions were held at the Civic Centre, HARP offices and the Cliffs Pavilion and were attended by over 60 attendees, many of whom stayed for a wholehearted discussion of the merits (or otherwise!) of the proposal.

Given the volume of responses, suggestions, ideas, and questions received, due consideration now must be given to the analysis of the information. Unsurprisingly, the fee was a point of contention, and in particular, additional research addressing some of the queries posed such as whether a designation would have any impact on the ability to gain finance is ongoing.

Once a comprehensive analysis has been completed, this will feed into a report with recommendations for a decision. It is important to note that we are still relatively early in the post-consultation analysis, and if a designation is adopted, it would not come into force until 2012 at the earliest. A decision is not expected until 2012.

For anyone who has not yet seen the information, all documentation is still live on the website www.southend.gov.uk/selectivelicensing whilst general queries can be made to slconsultation@southend.gov.uk

“Given the volume of responses, suggestions, ideas, and questions received, due consideration now must be given to the analysis of the information.”
A Private Sector Landlord has many legal requirements to fulfill, and we at The Eastern Landlords Association are here to help. Here are a just a few of the answers to the type of questions we are asked on a regular basis.

A resident landlord should use a licence, not a tenancy agreement, and all landlords must have permission from their mortgage provider to let out a property.

This is implicit in a Buy-to Let Mortgage on a property, and the landlord must not reside in a property with this type of mortgage. A landlord cannot keep a room in the property, or provide breakfast to be a resident landlord.

The Assured Shorthold Tenancy (AST) Agreement has no legal minimum term, although is usually from six months, and cannot contain unfair terms. When a tenancy extends beyond the fixed term, it becomes a statutory periodic, and runs from one rent period until the next. If an agent is used by the landlord, they must supply the landlord’s contact details.

All tenancies over three years must be witnessed as a deed, and those under three years do not have to be witnessed. A tenancy over seven years is a lease, and removes some of the landlords repair obligations. Where the rent is below £250, or above £100,000 per annum the agreement will not be an AST. If there is a deposit shown on an agreement, then this must be placed by law in one of the three deposit protection schemes.

Failure to do so can result in a fine, and mean the landlord cannot pursue a Section 21 possession notice. If an agent goes into liquidation, and was holding a tenant’s deposit, it is the landlord who is liable for that deposit. Letting agents are not required by law to be licenced, or to belong to a trade association.

A landlord requires a gas certificate annually, and an electrical inspection certificate is not a mandatory requirement, except in certain types of property. Some accreditation schemes require electrical certification. It is advisable for student properties to be certified, and to have portable appliances tested.

A property cannot be let without an Energy Performance Certificate (EPC), valid for ten years, and this must be shown to prospective tenants, unless the landlord is confident they will not offer the property. If there are fire alarms or equipment, these must be tested annually.

EPCs are taking on a larger role. For more information see the EPC Article on page 5.
Energy Performance Certificates and the Future

An article in the Spring 2011 edition of the Forum Newsletter covered the importance of Energy Performance Certificates (EPCs) and how they can be used to assist a landlord in improving the energy efficiency of their property and in doing so, reduce potential hazards under the Housing Health and Safety Rating System. In particular, improving energy efficiency often leads to warmer homes, reduced heating bills and a more comfortable living environment.

It is important to note that since 1st of October 2008, it is a legal requirement for a landlord to have an Energy Performance Certificate for their property where the property is self contained. This means that any landlord seeking to rent out a property which is a self contained flat or house in single occupation must have the EPC available for any potential tenant to view. It is not required when a tenant rents a room and shares facilities, nor where a tenant has a separate contract with the landlord.

Should the Energy Performance Certificate show that the property falls into F or G bands, there is a strong probability that the property will have an issue with excess cold.

The banding of F and G has now taken on a greater significance with the introduction of the Energy Act 2011 which was given Royal Assent on the 5th October 2011 and which carries the following requirements:

- From 2016, a landlord can not reasonably refuse a request from either the tenant or the Local Authority to improve the efficiency of their property; and
- From 2018, a landlord will not be able to rent out a property with an Energy Efficiency Banding less than E (that is Bands F and G).

Thirty Organisations, including Consumer Focus, have called for the Government to bring forward the 2018 requirements to coincide with the planned 2016 ‘reasonable request’ proposals. Whilst these dates may seem a long way in the future there are many groups, including the Association of Residential Letting Agents, that feel that landlords should consider making improvements to their properties prior to the introduction of the 2016 regulations.

The Energy Act also contains legislation to bring in “The Green Deal” which is due to come into effect in late 2012, which will change the structure of funding for energy efficiency measures to include a repayment through utility bills.

“Whilst these dates may seem a long way in the future there are many groups, including the Association of Residential Letting Agents, that feel that landlords should consider making improvements to their properties prior to the introduction of the 2016 regulations”
**Property Management Service**

Estuary Housing Association has a long and reputable record as a landlord and we are now offering that expertise and experience to private landlords.

We can offer a range of services including:
- residential lettings
- block / property management
- contract management
- refurbishment and maintenance

We provide good quality property management to allow customers to have better places to live.

We have:
- competitive pricing and charges
- professional and experienced staff
- a service based on delivering measurable, high quality services
- a full range of management and maintenance services

Customer satisfaction from clients is key to our approach. We ensure that we are accessible in a number of ways; face to face, by telephone, website, or email. We are proud of our consistent and reliable delivery.

We also know that value for money is important to you, and our approach is for you to be able to easily scrutinise costs that are transparent and good value.

If you are interested in hearing more about our services please contact Corinne Roach.

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**Recycling in Southend**

The UK has become a recycling nation! If you don’t believe it, the figures speak for themselves - in 2004/5 the UK recycled about 22.5% of waste and by 2009/10 this had risen to 39.7%.

In Southend-on-Sea we have also seen increasing recycling rates; from 21.3% in 2004/5 to just over 41% 2009/10. In 2010/11 it rose even further to just over 45%. There is now an increased expectation that recycling facilities are available and accessible to those wanting them.

Southend Borough Council (SBC) has extended the range of materials that can be recycled by householders in the pink sack collection and increased the range of materials that can be separated out for recycling at the Borough’s Household Waste Recycling Centres. Over the last few years, the following materials are examples of what has been added to those that can be recycled: household batteries, cooking oil, small electrical appliances (WEEE), wood, energy-saving light bulbs and plasterboard.
SBC has also worked closely with larger Housing Associations such as South Essex Homes and Estuary Housing in order to offer their tenants the same opportunities to recycle, notably through the pink sack collection and an increasing number of sites are also taking part in the food waste collection service.

Most recently two Community Recycling Advisors have been recruited in order to spread the ‘recycling message’ on the doorstep. It is hoped that by raising awareness and answering individual residents’ recycling questions on the doorstep there will be increased support for the recycling schemes active in the borough.

But how will the Council, with the support of residents, continue to improve its recycling performance? Our contractor, Cory Environmental, has a target of achieving a 60% recycling rate by 2015 and we have an expectation that this will be achieved.

One area that has been identified as requiring more attention is the tenants of multi-occupancy properties. Often tenants are highly mobile, regularly moving from property to property. The Waste Management Section and Cory Environmental would like to hear from landlords as to how we can support increased recycling from these types of properties and would welcome suggestions. Of course we cannot make significant financial commitments to landlords in order to increase recycling rates but welcome their ideas, particularly those that are simple and have minimal cost. Our ultimate goal is to help people increase recycling in their properties and we are open to good ideas.

The Waste Management Section will be taking part in the next Landlords Forum meeting in November 2011 and we would be happy to discuss your ideas face to face at this meeting. If this is not possible, you can also feed back your suggestions directly to Cory Environmental on: e-mail - lmulchrone@coryenvironmental.co.uk or Tel - 01702 617766 ext 211

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The role of the Southend Floating Support Service is to provide flexible support around housing related issues, enabling people living in Southend-on-Sea to achieve a better quality of life living independently in their own home. We assess customers' needs to ascertain what support they need to build the skills and knowledge required to manage and cope in their own home.

We offer holistic, short term focused support and mediate in problems between tenants & their landlords enabling better communication when problems arise.

Referrals can be made to the Floating Support Service via the Access Point, which acts as a single point of access into both the floating support service and a range of supported housing schemes for those not ready/unable to live independently in their own home.

Referrals must have the permission of the customer but can also be made directly by the customer themselves, through a friend, relative or a professional worker.

A referral form can be requested from 0845 602 7895 or the customers needs can be discussed with a member of staff who can take the information over the phone. Alternatively you can contact the service at southendfloatingsupportservice@familymosaic.co.uk

Or look on the Southend Borough Council or Family Mosaic websites for a referral form.

What we give help with
- Help in setting up and maintaining a home.
- Applying for housing that better suits needs of the tenant.
- Help in maintaining the safety and security of the home, reporting repairs.
- Problems with anti-social behaviour from neighbours or tenants.
- Letters & forms.

Money Matters
- Help in managing finances, benefits, including claiming housing & council tax benefit & applying for grants.
- Arrangements for rent arrears payments & debt problems.
- Dealing with court & eviction notices.

Health
- Staff will also signpost & link customers to other agencies for help with mental health difficulties, alcohol & drug use issues, and physical health & disability issues.
- Help in taking up and participating in education, training and employment.