

Halton Borough Council
**Guide to
THE PRIVATE RENTED SECTOR**



Purpose of this guide

This guide is aimed at tenants and prospective tenants, landlords, elected Members and Council officers and it is hoped that it provides a basic overview of the private rented sector in Halton and clarifies the role of the Council in supporting the sector. Key contacts are provided for each area of support offered by the Council.

Why choose the private rented sector?

Since the recent decline of the housing market, the private rented sector is making an increasingly significant contribution to meeting housing need. It is believed that in Halton the sector has doubled in the last 10 years and now makes up around 10% of the total housing stock in the borough (Halton Strategic Housing Market Assessment 2011).

For tenants, the advantages are

- It's a flexible tenure, which can be useful in relation to accessing employment opportunities
- It's an alternative option for those unable to buy or access social rented housing
- There's a lot of choice in terms of property type and location
- It is a relatively affordable option in Halton

For landlords, the advantages are

- Source of regular income
- Properties are more secure and are maintained when they are inhabited
- There is no threat of enforcement action from the Council due to the property being empty

Renting from a private landlord is a flexible option and is often suited to different people with varied housing needs. The following sections explain some private sector tenancy basics.

Tenancy Agreement

This is a document, provided by the landlord, at the beginning of a tenancy, which sets out the rules to be followed during the tenancy. Both the landlord and tenant sign the agreement as they are both bound by its terms. Should a tenant break the rules outlined in the agreement, they

can be evicted. Should a landlord break the rules, the tenant should seek advice from the Council or Citizens Advice Bureau and there may be a legal route to pursue.



Assured Shorthold Tenancies ASTs

Tenancies in the private rented sector are usually assured shorthold, which means they are for a fixed-term – usually 6 or 12 months. After this period, either the tenant or the landlord can give the required notice to end the tenancy.

Landlords must give tenants two months' notice – they can only evict a tenant during the fixed-term period in cases where the terms of the agreement have been broken.

Tenants must give their landlord one months' notice that they wish to leave once they are out of the fixed-term period – should a tenant wish to leave during the fixed-term they may be legally obliged to pay the rent that they owe for the duration of the term (unless the tenancy agreement includes a 'break clause').

At the end of the fixed-term if both the landlord and tenant are happy to continue with the tenancy, a new fixed-term can be agreed or the tenancy can become a periodic one, which renews itself month-by-month.

Role of letting agents

The use of a letting agent offers the quickest way of letting a property for a landlord and finding a property for a tenant. However, they do charge fees for their services – for a tenant these can include administration fees for performing credit checks and setting up the tenancy and for landlords the agent will charge a fee for advertising their property/ setting up the tenancy and managing the tenancy (if the landlord is not managing it themselves). It is important for tenants to find out whether their landlord or a letting agent is managing the tenancy so that they know who to contact in the event of any problems.

Tenant responsibilities

- Abide by the terms set out in your tenancy agreement (provided by your landlord)
- Pay your rent on time
- Behave in a reasonable way, not causing nuisance or annoyance to others
- Not damage any fixtures, fittings or furniture belonging to the landlord
- If there is any furniture in the property belonging to the landlord that you do not want, ask them to remove it
- Ask the landlord for written permission before making any changes to the property
- Inform the landlord if repairs are needed
- Allow the landlord to have access to the property at reasonable times to carry out repairs and necessary safety checks
- Not sub-let or take in a lodger without asking permission first, unless your tenancy agreement allows you to do this
- Give the landlord the correct notice if you wish to leave

Landlord responsibilities

- Provide a tenancy agreement – a written statement of the conditions of the tenancy
- Provide your name, address and contact details and those of your agent (if applicable)
- Provide a rent book for tenants who pay weekly, or a receipt for the rent payment for those who pay fortnightly or monthly by cash
- Respect your tenants' right to peace and quiet in their own home
- Register your tenants' deposit with one of the government recognised schemes within 30 days of receiving it and confirm details in writing to the tenant
- Give reasonable notice in writing if you need to enter your tenants' home
- Give legal notice if you want the tenant to leave
- Make suitable arrangements for the security of your tenants' mail to prevent interference
- Ensure that gas appliances are tested at least once a year and give your tenant a copy of the safety certificate within 28 days of the test taking place
- Ensure that all upholstered furniture complies with fire safety regulations
- Ensure the following are repaired, when required:
 - The structure of the property / Basins, baths, sinks and toilets
 - Fires, radiators, water heaters / Water, gas and electricity supply and meters
 - Water tanks and boilers / Appliances provided as part of the tenancy.

Costs of a tenancy



Landlords usually take a deposit from tenants (often it is the equivalent of one month's rent) to safeguard them against any damage caused by the tenant/ any rent arrears that may occur. Tenants will get this money back at the end of the tenancy if they are not in arrears and haven't caused any damage. A property condition report is very important in this respect – good landlords will provide these at the start of a tenancy so they can be compared to the condition the tenant leaves the property in and therefore determine if any damage has been caused. If the landlord doesn't offer this, tenants

should consider taking photos to make their own record of the condition of the property when they begin their tenancy.

It is now a legal requirement that deposits are protected using a Government recognised scheme and landlords must provide their tenant with the relevant details and confirmation that their deposit has been protected.

Rent is usually payable on a monthly basis in advance. Some people are eligible for Housing Benefit, which may cover some or all of the rent. The amount people are entitled to depends on their income and who lives with them and it is worked out using Local Housing Allowance – rates are published monthly and displayed in the Council's Halton Direct Link one-stop-shops and on the Council's website. Housing Benefit can only be paid into a bank account.

Average rent levels in Halton

Size of property	Runcorn average per month	Widnes average per month
1-bedroom	£395	£375
2-bedrooms	£425	£450
3-bedrooms	£500	£525
4-bedrooms	£600	£600

*Halton Strategic Housing Market Assessment 2011

Environmental Protection Team

The team deal with the safety and repair of privately rented housing. They are able to assist in most cases where the condition of a home has an impact on the health and safety of the occupier or visitors. Some of the hazards the team can deal with include the following:

- Urgent action to restore heating, hot water or to make dangerous electrical systems safe
- Dampness from roof leaks, pipe leaks, rising damp, condensation and mould and dry rot infestations and improving heating systems or ventilation
- Safety of gas appliances
- Fire safety in the home and, in particular, Houses in Multiple Occupation, with three or more tenants who share facilities
- Overcrowded accommodation

Once the team is notified that there is a problem at a property, they will arrange to visit people in their homes and carry out an assessment for hazards under The Housing Health & Safety Rating System (HHSRS). In all cases the team try to work with the landlord to resolve the problems but where necessary they can, and will, take legal action. Legal notices can be served on the landlord to remedy hazards in the home. Should a landlord fail to comply, they can be prosecuted or the works can be carried out in default and then re-charged to the owner.

In addition, the team deal with statutory nuisance, which includes noise, odour and smoke nuisance.

KEY CONTACT:

Wendy Salisbury – Principal Environmental Health Officer
Environmental and Public Health and Health Protection

0151 511 7613

wendy.salisbury@halton.gov.uk

environmental.protection@halton.gov.uk



Bond Guarantee Scheme

For those who are facing homelessness, the Council's Housing Solutions Team may be able to help by providing the written promise of the deposit amount should it be required at the end of a tenancy. This allows people who do not have the funds for the deposit themselves to access privately rented housing.

The Housing Solutions Team also provide advice on all aspects of homelessness and housing options.

KEY CONTACT:

Lucy Willis – Landlord Accreditation Officer

0151 471 7628

lucy.willis@halton.gov.uk

landlordaccreditation@halton.gov.uk

Landlord Accreditation Scheme

The Council is keen to provide decent landlords operating within the borough with the recognition and support they deserve. In order to do this, a Landlord Accreditation Scheme was launched and has been running successfully for around the last five years.

Membership to the scheme is free of charge. It is voluntary but carries many benefits for landlords who decide to join:

- Exclusive access to the Halton Borough Council Empty Property Register
- A recognised 'quality mark' providing elevated status over non-accredited landlords
- Commitment of service from Housing Benefit
- Discounted services and products from both local and national businesses
- Promotion of available properties through the Bond Guarantee Scheme
- Remain fully and promptly informed of any change in regulations that may affect landlords



- Dedicated landlord liaison officer providing support and advice
- Influence over the Landlord Forum

The scheme involves members agreeing to a code of standards, which detail good management practices and property standards. These standards, and all aspects of the scheme, have been developed in partnership with local landlords.

The Landlord Accreditation Officer can provide prospective tenants with a list of accredited landlords.



KEY CONTACT:

Lucy Willis – Landlord Accreditation Officer

0151 471 7628

lucy.willis@halton.gov.uk

landlordaccreditation@halton.gov.uk

Landlords Forum

The Council hosts regular forums for private sector landlords operating within the borough. All landlords are welcome to come along and find out about many important issues that affect them (for example, Housing Benefit discussions/updates), as well as getting the opportunity to network with other landlords operating locally.

The forum has been running since 2003 and the Council is keen to increase this kind of partnership working with landlords. Regular meetings such as these provide an opportunity for landlords to share information, meet each other and discuss issues of common interest.

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Community Safety Team

The Council's Community Safety Team works in conjunction with a number of service providers (including Cheshire Police, Cheshire Fire & Rescue Service, Registered Providers of social housing, the Youth Offending Team and health services) as part of the Safer Halton Partnership to tackle anti-social behaviour and crime within Halton's communities.

The Community Safety Team offer targeted assistance to private sector landlords by writing to them to offer help and advice if a problem with crime or anti-social behaviour has been identified in one of their properties.

If matters don't improve the team take appropriate action against the tenant as part of their multi-agency approach to tackling crime/anti-social behaviour.

KEY CONTACT:

Mike Andrews – Community Safety Manager

Community Safety Team

Safer Halton Partnership

0151 495 5824

mike.andrews@halton.gov.uk

Community Safety Team main number: 0151 495 5810

Cheshire Police non-emergency number: 0845 458 0000



For further information call
the Halton Borough Council contact centre on
0303 333 4300

Information is also
available on
the Council's website
www.halton.gov.uk

