

Licensing and enforcement

Southampton Tenants union

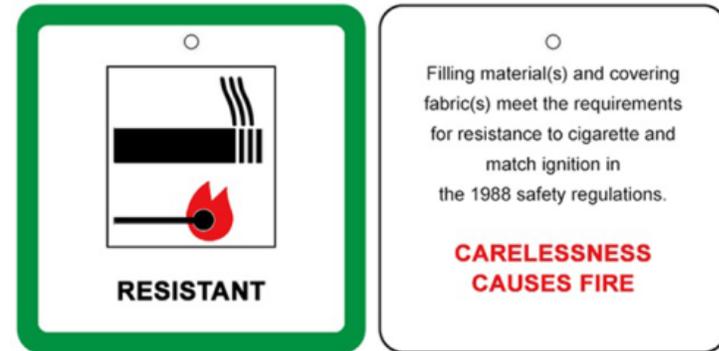


Why we are all for licensing?



You wouldn't eat from a food outlet that looks like this.

Scrutiny for safety is everywhere



So why only HMOs are licensed and the rest is hit and miss?

Why we aren't all landlords licensed?



We spend most of our time in our homes

Licensing is not enough. Tenants need a voice.



There is still no online scheme where tenants can report disrepair. Public awareness is an effective deterrent.

Box ticking exercises are not enough.



Landlords often save money by doing cosmetic changes without tackling the original problem.

Not just box-ticking but clock-ticking exercises?

Timescales at the moment can mean tenants in homes with disrepair can be susceptible to prolonged danger of harm and health issues, even death. (Awaab Ishak died shortly after his second birthday in December 2020.)

Penalties and Rent Repayment Orders

“A notice of intent must be given no later than 6 months after the authority has sufficient evidence of the conduct to which the penalty relates, or at any time when the conduct is continuing.”

“Before applying for a rent repayment order, the local housing authority must give the landlord a notice of intended proceedings; 13 · A notice of intended proceedings must be served within 12 months of the date on which the

Refund but no compensation?



Rent re-payment orders allow for up to 12 months' worth of rent to be recovered, but aside from this there is no possibility of compensation being paid to a tenant to account suffering and harm they are caused by living in an unfit property.

In accessible legal help

Legal routes are unavailable to most tenants as they are so expensive and rich landlords would be able to hire better legal assistance anyway. This should be rectified to reflect the suffering incurred by bad landlords who do not keep their properties in adequate shape – simply repaying rent is not enough, as this would be equivalent to simply being awarded a refund if you get food poisoning and are hospitalised after eating at a restaurant!

Key questions



Benefits claimants see rent repayment orders cut dramatically or even set to zero value – why?

This is clearly discriminatory towards those who access welfare for no reason except apparent spite.

Key questions



How many banning orders have been handed out in the past year, and the past 5 years?

Expanding the means of enforcement against bad landlords is pointless if the council will not also get serious about tackling those landlords and ejecting them from the PRS. We need a strong approach to give bad landlords a real kick and reassure tenants that local government is able and willing to protect them.

Key questions



How does the council provide accommodation for tenants whose landlord has been subject to a banning order?

We cannot simply make people homeless if their housing is not suitable due to their landlord breaking the law, so there needs to be a pragmatic solution which takes into account the personal situations of different tenants. Some may want and be able to stay in their rented home, others may want or have to move into emergency accommodation or social housing. Tenants must come first in enforcement. Would the council set aside some of the income from penalties to cover the cost of securing a new

Key questions



How does the council set the penalty for a breach in standards?

It is not clear other than that it is assessed based on harm caused, and landlord culpability. In some cases a landlord who has caused significant harm but who is assessed to have “low culpability” can get away with a relatively low penalty.

This could lead to very unsatisfactory outcomes considering that culpability is a highly subjective factor while harm caused to the tenant is entirely objective.

Key questions



It seems wrong that somebody could seriously harm another person through the operation of their business, be legally held responsible, and yet still get away with a large profit! Additionally, for landlords who have multiple properties and who come under investigation over one of them, will the other properties be investigated proactively to determine whether breaches may be occurring on a wider scale?

Thank you!