

# PRIVATE TENANT

## New future focus for Fed's work

**Kit Wilby writes:**

The Fed held a meeting on 26 March 2008 to thank members for their support through the times of change we have experienced over the last 6 months, and to test our ideas for future work now we have a new permanent staff team in place (see elsewhere in this newsletter for their profiles). The meeting dealt with our work under the headings first of policy and campaigning, and second of support and advice.

### The Fed's policy and campaigning work

Our policy work is greatly informed by our campaigning work. Typically it involves responding to consultations put out by central and local government, and we are able to respond authoritatively because our members give us the right and knowledge to speak for private tenants. We will be recording the names of members and friends who are interested in helping with this aspect of our work

Campaigning should be the lion's share of what we do; it is what many of our members are interested in and there was a lively discussion about the work to be done. The term "campaigning" covers a wide range of activities. At one end of the range it can mean measured proposals that we hope will become official policy, couched in consultation terms very similar to those that official bodies use when consulting us. At the other end of the campaigning spectrum there are marches, demos and street theatre. In between people can get involved in letter-writing campaigns, email and telephone trees – all sorts of organising. At the Fed's meeting a member suggested we should have

a time bank system so people who want to participate can get involved in the sorts of activities that interest them. There was a definite appetite for organising!

This must be because of all the injustices that members see around them and also suffer from, living as they do in the private rented sector. Our members proposed or endorsed a long list of campaigns they want to see us undertake:

### Fair rents – are they Fair?

This is a campaign with two main aspects, a potential political campaign on the unfairness of RPI+5% when nobody else's housing costs increase at that rate, and regulated tenants are more likely than most categories of tenant to be living on an income which increases more slowly than RPI.

The other aspect is tactical – **what should tenants do when their landlord proposes a rent rise?** There is anecdotal evidence that Rent Officers are becoming sympathetic to landlords' attempts to raise 'Fair' rents – Should we consider more referrals to the Property Services Tribunal (the body which hosts the Rent Assessment Panels)?

### Investment property speculators

It was noted that auctioneers and estate agents list properties with sitting regulated tenants as "investment opportunities". Tenants in high value areas can have a new landlord every year, each one worse than the last, as someone buys the house, tries to harass the tenants out, realises they can't and offloads the property – frequently with the potential rental income cynically inflated – to another speculator.

There are laws about misrepresentation which should prevent this, just as the licensing laws should mean such speculators can't be landlords in the first place, but neither seems to be enforced. There is also a possibility that this 'churn' in the market means that speculators have pushed up the price of the property to a point where they can argue to a Rent Officer that the income from rents does not line up with the price they have paid, and so the pressure may drive 'Fair' rents up. This may need research as well as campaigning.

### Oftenant

The Housing and Regeneration Bill proposes amongst other things to create the Office for Tenants and Social Landlords (Oftenant), which will be an independent, stand alone regulatory body. The main purpose of Oftenant will be to regulate all social housing in England provided by registered providers (which will include local authorities, housing associations and all the other public sector providers plus other landlords who choose to register). Oftenant will take on the regulatory functions of the Housing Corporation, but it is also designed to be the tenants' voice, to increase tenants' involvement in society and their communities and give them

the chance to be more demanding 'consumers' in relation to their landlords.

Those private tenants who know about the proposals for Oftenant are disgusted that they don't include provision for private tenants who are yet again unprovided for and ignored by the rest of society. The problem is of course, that – since the average private landlord would not register with Oftenant – even if it spoke for private tenants it would not be able to apply sanctions to their landlords.

From the Chair John McMillan made a point which has not been heard from elsewhere: That if private tenants could be included in Oftenant's remit, then any sanctions which are needed to make their homes decent could be applied against local authorities which fail to take the action available to them to make things better for private tenants, since the local authorities by definition would be regulated by Oftenant. This is an interesting campaign. It will need some good quality written arguments and a quick enlistment of allies.

## Housing Association (HA) tenants and leaseholders

A member noted that as a shared owner she was both an HA tenant and a leaseholder, and there was no one who represented her in either capacity. The meeting was told that the Fed's Management Committee has already identified that we should try and work with both these groups, as in law both are private tenants. In both cases we would have to raise funding to do anything more than basic support.

## Assured Shorthold Tenants

Working with this group has always been hard because assured shorthold tenants are very transient having such poor security of tenure. Nevertheless this is a priority for us, and we will develop a campaign – probably based about the fact that tenants can't enforce their rights to decent conditions because of bad landlordism and insecurity of tenure. Debbie Crew of the CAB has sparked a very important campaign

against retaliatory eviction which we should try and work with (see her report 'The tenant's dilemma').

## The Fed's support and advice work

### Support for TRAs

Our members felt we should be supporting tenants and residents' associations, including for leaseholders, helping them set up and helping with resources.

### Advice needs and support for individuals

CFPT is not an advice agency and supporting individual tenants with problems is hard to do fairly and consistently. It is likely that our best way of doing this is to make sure we have an up-to-date list of all the agencies in the borough that can help with housing problems for those who:

- are eligible for free help
- are not eligible and who cannot afford legal fees
- can afford to pay a solicitor.

We will work with people get the help they need as far as resources allow, and with the help of our members we may be able to monitor the quality of service providers. We may also be able to set up system whereby people with the same types of problem help each other from their own experience.

### Existing sources of help we have been told about in March 2008

The London Borough of Camden says that its Housing Aid service includes a Private Sector Team which has eight frontline staff based in West End Lane, one of whom is seconded to Bidborough House every day for private tenants in the South of the Borough. They work closely with the Residential Team in Environment so that private tenants should get a seamless service on all aspects of their problems. They say no-one is turned away as long as intervention by the Private Sector Team would make an improvement to their circumstances and they will

support regulated tenants at the Property Services Tribunal if there is any chance, for instance, of the rent cap being challenged.

**Camden Community Law Centre** has three and a half solicitors/housing advisers, and they have drop-ins Monday, Wednesday and Friday between 10.00 and 4.00pm. Of these, Monday afternoon and Wednesday morning specialise in housing. People need to come early to be sure of being seen, and help is offered to all at these drop-ins and also by appointment at their early evening session on Wednesdays. Whether people in receipt of this help then get their cases taken on as casework depends on whether they are eligible for legal aid and whether their case falls into a priority category. The Centre specialises in possession proceedings and homelessness. They tell me they will refer cases on to Camden solicitors if they are unable to take them, and listed Hodge Jones and Allen, Bindmans, and Osborne as local solicitors with housing experience who still have a Legal Services Commission contract to take cases for people who are eligible for legal aid

**Camden CAB** has three walk-in centres for advice in Camden, In Kilburn, Kentish Town and Holborn. They don't have a housing advice contract so if someone comes to them for help with a housing problem they will try and make a suitable referral. If the client is not eligible for free help, and can't afford to pay, they will offer what they call safety net help. They also have some special projects, notably on disability, which might be a source of help for private tenants trying to get adaptations fitted.

### Points made by members in the debate on support and advice

Members say that their experience of contacting Camden's Private Sector Advice Team does not match the description Camden has given us. Front line advisers often see themselves as gatekeepers, and don't understand enough about private renting issues to give the help that tenants need. If this is the case, Camden needs to know and we

need to have good evidence to convince them, so we will probably come back and ask members for their experience of this service – so please keep a record.

Other sources of help to be investigated and listed include the Mary Ward Centre, the Free Representation Unit, the Bar Pro Bono Unit.

## Next Steps

We will collect information about sources of help and advice, so we can make it available to members and other private tenants who need it, and make sure it is published.

## Issues in the advice world

Keeping you informed is particularly important at this time when many housing advice services are under

pressure because of the new way of working introduced by the Legal Services Commission under the new unified contracts. We expect that some Law Centres and not-for-profit advice agencies will go out of business, and we will keep you informed of these issues – we have been promised an article from the Access to Justice Campaign for our next newsletter. Fortunately the Fed does not receive funding from the Legal Services Commission, but we have been told we must stop using their logo as they no longer ‘support’ information points such as us.

## Working with partners

Another important dimension to the work the Fed proposes to do is to make common cause with other organisations both within Camden and more widely. Robert Taylor, our

new Organiser told the meeting “I see working with partner organisations as essential to success. We can make better use of our resources and make sure we provide better services to our members and clients. We can identify needs and problems more surely and together we can campaign for solutions more successfully”.

The meeting finished with wine, snacks and conversation. If you haven't been to one of our meetings they are very worthwhile.

We get through a lot of good work, but we generally have a bit of fun along the way.

## JAIL FOR CROWN ESTATE MANAGER

**A saga of bad tempered exchanges between tenants in housing north of Euston Road and their landlords, the Crown Estate, climaxed in March with the conviction and jailing of a Housing Manager employed by the Estate.**

Among the most vocal of tenants on the Crown's Cumberland Market Estate has been CFPT member Susan di Santo who pointed out to managers some years ago that the employee concerned had been withholding statements of rents paid by tenants, causing them difficulties. Her complaints, which should have alarmed the Crown were largely ignored as the Estate managers closed ranks and seem to have caused Susan more problems with her tenancy in retaliation.

Fifty year old Jannette Harris was found guilty of embezzling £63,721 of tenants' rents to feed a gambling habit. The judge sentenced her to nine months in prison, dismissing pleas of mitigation. He noted that she had seriously abused her position,

stealing from some of the most vulnerable tenants.

The investigating Police Officer D.I. Grahame MacFarland is quoted in the *Camden New Journal* as saying that hers was a methodical and well thought through swindle that caused a lot of distress and anxiety to tenants. The judge, Geoffrey Rivlin QC, also noted that: “the housing association (The Crown Estate) were the losers but they must be applauded for acting as they have done”. Presumably he was applauding them for finally bringing in auditors and police to investigate Cumberland Market's financial affairs – and for sacking Harris in November last year.

Susan di Santo says that the victims were really the tenants – the vulnerable and elderly who were caused distress by Harris bullying them to pay in cash. And those who have been overcharged and/or accused of falling into arrears simply because their rent was diverted.

Fortunately only a handful of tenants are still awaiting refunds but it may be some time before injustices arising from the affair

are put right – and a system put in place to provide regular rent statements. Though these may not be mandatory, they could be one way to restore confidence.

The Crown subscribes to the Independent Housing Ombudsman Scheme but Susan feels that equivocal decisions about complaints of maladministration have only helped the landlords suppress complaints. Tenants feel that the public have a right know about a body which sometimes appears to be constitutionally untouchable but wields enormous power over less privileged peoples' lives.

All rents from Crown Estate revenues are to the benefit of the Treasury. Although the Crown Estate was long ago legally defined as a private landlord, homes on the Cumberland Estate have been offered to ex-Council tenants, apparently without it being made clear to them that they were losing security of tenure as a result. This is a complaint echoed by council tenants whose homes have been transferred to arms length management organisations such as co-ops and social landlords.

# Big Response to CFPT's Tenant Survey

## Above-inflation rent raises the first concern

Within one month of issuing survey forms to Fed members we have received nearly 65 replies. This is an approximately 35% response rate – which would be the envy of most survey takers – and we expect a few more to trickle in the next few weeks.

Given the Fed's long engagement with Fair Rent issues, unsurprisingly, replies on type of tenancy feature a very high percentage of Regulated Tenants (51). Five respondents said that they were long leaseholders – though it should be noted that leaseholder residents' associations covering numerous households are corporate members of the Fed. Surprisingly, quite a few responses were from non-members in the borough and tenants living outside Camden.

Four respondents were on Assured Tenancies and just three on the now almost universal, but least secure, Assured Shorthold Tenancies. It's a long standing worry for the organisation that we are not reaching this latter category effectively – but the difficulties of getting a response from, let alone recruiting, tenants who may be in the Borough for as little as six months are obvious.

We also have to be aware that a whole generation has grown up with no knowledge of anything but market rents and with little grasp of tenants' rights. Few might understand the conviction among our members that tenants can and will organise to change things – and indeed have succeeded in the recent past in doing just that. One of our most urgent priorities is to devise programmes which appeal to tenants who have less secure tenancies.

One respondent appended a comment that there were few fellow regulated tenants left in her block – 10 or fewer in 124 flats – and most residents were now leaseholders who had greatly improved standards compared with the landlords' (Freshwaters) neglect for many years.

In addition, just one reply stated that the respondent had a resident landlord another one that they were tenants of social housing.

## Rent cap begins to bite those it was meant to protect

The survey asked members to list their concerns on housing issues. A significant 44 of 51 replies from regulated tenants mentioned fears over rising rents – a figure which should concern a Government which may feel it did all it intended about the issue of Fair Rent rises some 10 years ago. It's hard to escape the same conclusions as those who warned that a formula based on inflation-plus would soon enough cause hardship when pensions and other incomes were pegged to inflation or less.

One fairly typical individual complained of a rent that was £236 per month in 1994 having risen to £660 per month this year, with the most recent increase being around 13% (6.5% percent per annum) or a jump of £77 a month. Hard to imagine a pensioner being able to find that without having to cut back – and tragically that often means cutting down on food or heat – because any non-essentials have already been squeezed out by past increases. Thus, unprecedented rises in fuel costs – and now many food prices – are alarming indeed.

One member reported their landlord's worrying (albeit unrealistic) application to the Rent Officer for an increase of 400%.

## Next is repairs (lack of)

The second biggest complaint was about repairs. The most telling was a note by an Assured Shortholder simply saying: "Unwilling to ask for repairs as this might get me evicted or the rent raised". Regulated tenants fared no better, 25 listing

state or repair of the building as a major concern. One stated pithily: "Not suitable dwelling for getting old" another reported that heating costs had doubled. A third tenant said that bathing facilities were inadequate and there was a lack of heating appliances.

It is known that a large number of private landlords have frustrated Government and local schemes to offer tenants improved heating and insulation (at no cost to the landlord). This is simply because works require the owner's permission and, in these cases, the landlord would presumably rather see the tenant suffer than himself gain the benefit of the improvement to the property. It's hard to believe that landlords are deterred by the fact that the works wouldn't increase the rent – if only because many regulated tenants believe wrongly that it would actually increase the rent. The fact is that such works count as tenants' improvements and cannot be used to raise a regulated rent.

Seventeen replies specifically complained of cold or damp. Nine mentioned neglected common parts – an apparently minor point except that a drafty or insecure front door is good neither for health nor safety.

## Harassment still an issue for regulated tenants

Thirteen respondents reported what they regarded as harassment by landlords or their agents. At worst the problems included a landlord's son raining blows on the ceiling below a tenant's bedroom when they were trying to sleep, apparently as part of a systematic campaign to gain vacant possession of the building.

Three tenants mentioned so-called 'fishing expeditions' by a landlord trying to winkle out statutory tenants. Though with only 'derisory offers' in the way of compensation for them giving

# Private renting reviewed for govt by academic

Sarah Mitchell writes:

Private renting comes under the microscope over the coming months in a new government review. This wide-reaching review looks at the recent growth of the private rented sector, considers its future and the need for any further regulation. Academics at York University will report their findings in early autumn.

With social housing in short supply and home-ownership unaffordable, increasing numbers of people now rely on privately rented properties, with the vast majority taking on assured shorthold tenancies offering maximum flexibility and minimum security. Recent government policy encourages this use of private lets, even the most vulnerable people, although tenants organisations and advice agencies have expressed their concerns. This review marks government recognition that all is not well in the sector.

The Housing Act 2004 brought in a number of legal changes and

tools for improving the conditions of the worst private rented housing. Despite these changes there is little evidence of improvement for tenants at the bottom of the pile. The Act introduced tenancy deposit protection, licensing for large shared houses and a new system of housing health and safety. Although it brought about protection on paper, this proves difficult to enforce in practice, partly because of councils' inconsistent application, and partly because much relies on tenants taking legal action to enforce their rights.

Those tenants with least money and least consumer power are less able to enforce rights, especially where their tenancies are not secure, and where the laws are not simple to understand.

While many people enjoy comfortable privately rented homes, there remains a sector of low-income and more socially excluded households which form a very different section within the wider renting world. A useful outcome of this review would be to identify exactly the problems affecting these groups, and seek solutions for a more stable sector with more sustainable tenancies.

The review aims to examine the size and state of the private rental market following years of growth, especially buy-to-let properties. The

review will consider whether it is sustainable and sensible to encourage its further growth unchecked.

The review process is made up of three parts:

- Review of landlord accreditation schemes by local government advisers LACORS
- Analysis of existing research and statistics
- Stakeholder focus groups on range of subjects including housing benefit and security of tenure.

Stakeholders include local councils, landlords, government departments, tenants representatives and homelessness charities. Camden Federation of Private Tenants will be represented on the Legal Framework stakeholder group by Kit Wilby, who has been working as the Interim Organiser while we recruit the new staff team. If any CFPT member has any comment he or she wishes to draw our attention to in relation to the legal framework which should be applied to private renting, please ring us on 020 7383 0151

Julie Rugg of York University's Housing Centre leads the review and aims to complete this by the end of October. You can find out more on the Communities and Local Government website: <http://www.communities.gov.uk/news/corporate/670940>

## Big Response to CFPT's Tenant Survey continued

up their tenancy, they were left no option but to refuse. You have to wonder at the intentions behind such offers, particularly when the law appears to regard making repeated unwelcome inducements to leave as harassment – though it would, doubtless, be hard to prove intent. In fact, as fair rents rise, there is a diminishing margin between a property's value vacant and tenanted. Usually insufficient to make it worth a landlord paying a tenant to leave with enough in pocket to find alternative accommodation.

One tenant merely noted: "Ignorance, hostility and inefficiency of the landlord"

another: "indifference of managing agents/landlord plus failure on their part to acknowledge complaints". In fairness, it has to be noted that one respondent replied: "landlord is excellent".

Twelve respondents expressed fears about eviction, which suggests that illegal evictions are becoming rarer in the regulated sector, not least because such tenants know their rights better than others. Perhaps the low statistic misses the point that most evictions are for non-payment and may be the result of the rising rents, which so many are worried about.

There was a high incidence of replies in which tenants complained not only of unaffordable rents, but also of poor conditions – evidence

perhaps that allowing regulated rents to rise well above inflation has merely led to landlords profit-taking rather than reinvesting in the fabric of the properties.

Over one third of those who responded and gave an address (which had been left optional) also included an e-mail address – probably a much higher than average number for the (likely) age group.

**The survey data and comments will be used as a guide to the Management Committee and our new staff in drawing up the Fed's future programmes and campaigns. They may prove invaluable in responding to National and Local Government policy consultations.**

## Squatters Agree to Leave Alan Day Flats

**Squatters who occupied flats above the old Alan Day Mercedes showroom in Finchley Road were ordered by a court in March to return the property to the Jewish Community Centre who plan to build a leisure centre.** The property had originally been cleared of residential tenants in 2005 on the basis of plans to replace it with a block of 76 flats, including 19 which had been earmarked as affordable housing for essential workers.

The local *Hampstead & Highgate Express* published a furious correspondence between CFPT's Chairman John McMillan and the JCC's Chief Exec Nick Viner. CFPT argued that there was a far greater need to replace the affordable housing lost on the site than for something duplicating facilities such as gym, swimming pool and conference hall available at the 02 Centre less than 500 yards away. Viner maintained that there were only 14 flats on the site and that none had been affordable, while McMillan replied that he had actually seen Rent Officer decisions on flats at the property, proving that there had been regulated tenancies on fair rents.

# News in Brief

## New faces for a new start at the Fed.



**Robert Taylor** joins CFPT as Organiser, taking over the role filled for 9 years until late last year by Bridget Stark and filled temporarily by Kit Wilby in the interim.

Robert comes to the Fed from Elthorne Community Project, a social cohesion project centred on residents of social housing in north Islington, where he was Community Development Coordinator. His previous working experience includes being a Caseworker with Circle 33 Housing Trust. He has also worked in a voluntary capacity with a tenants & residents association in Hackney and as Vice Chairman of Voluntary Action Haringey. Robert has been involved in media relations and publicity work, including internet website and print publications. He has a keen interest in history and current affairs.



**Meade McCloughan** joins CFPT as Assistant Organiser – taking over an expanded role previously filled by Sharmin Islam who has left the job as Administrator to complete her business degree course.

Meade has been working as a part-time teacher at University College London, lecturing in Philosophy. Previous experience includes administrative posts with Paddington Churches Housing Association and Voluntary Action Westminster. Although Meade's part-time post with CFPT fits in with his continuing academic career, we see it has having an emphasis on the core work of the Fed, rather than solely admin. He has been involved in the campaign for cycle routes in London and has worked with Cycle Training UK. He's a local resident, living in Kilburn.

## Why not become a member of CFPT?

As a member of CFPT you will be kept informed on current housing issues, legislation and campaigns. You will receive our quarterly newsletter to your door, as well as invitations to meetings and notice of relevant consultations. Your membership will also add valuable support to the Fed.

Name \_\_\_\_\_

Address \_\_\_\_\_

Tel no. \_\_\_\_\_

Email \_\_\_\_\_

**1** I enclose £1 for membership plus £9.00 subscription fee\*

**2** I would like to donate £ \_\_\_\_\_ **3** Total enclosed \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

*\*We can waive the application fee in cases of hardship, please contact the office in complete confidence.*

**Please fill in your details and send with payment to:**

Camden Federation of Private Tenants  
FREEPOST LON12470  
London  
NW1 2YW

**I am an/a: (please tick)**

- Regulated Tenant  
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 Assured Shorthold Tenant  
 Other

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