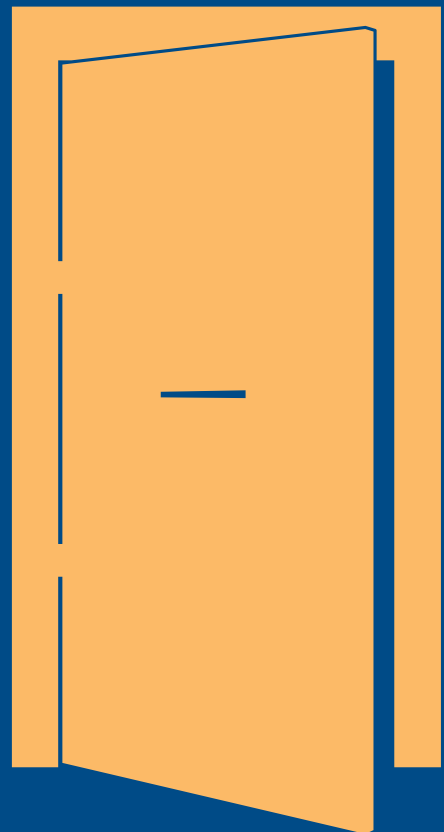


The Housing Question 2016 - A review

Private renting and the housing market in Salford



**citizens
advice**

Salford

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Foreword

The predecessor to this report, 'The Housing Question 2016', was kindly jointly launched by the late Councillor Paul Longshaw and Rebecca Long Bailey MP, we had been working with them both around a number of housing and homelessness policy issues at the time. It is a timely opportunity to comment on Paul's huge contribution to the field of housing and homelessness in Salford, and that his untimely death was a great loss.

When we wrote, some eighteen months ago about the case for reform of private sector rented tenure we did not imagine that this subject would be reviewed again by the Government. This is much welcomed – and although strictly speaking falling outside of the 'cut off date' we gave ourselves for this report, we wanted to make reference to what could be – if the Government follows our advice, and follows the structure of the Scottish Government, a transformative change to the sector. The review, and proposals laid out in the consultation **Overcoming the barriers to longer term tenancies in the private rented sector**¹ are much welcomed by us – in as far as they go, are a start of much needed reform of tenure.

We are also pleased to hear that some fruitful conversations with our local Greater Manchester Credit Unions about how social lending might support a local Greater Manchester rental scheme are ongoing, and we endorse this approach and hope that resources at a Greater Manchester level can be secured to invest in what might prove to be both transformative in improving access to the private rented sector, as well as supporting all Greater Manchester authorities in the

delivery of their new and expanded homelessness prevention duties.

My final note must be one of sincere thanks to the chief author and organiser of this report, our colleague Phil Tresarden – as well as the rest of the writing team, and as ever to our volunteers and staff who daily record evidence on a wide range of policy issues and trends – allowing us to speak with authority from the experience of our many thousands of clients. Last year we advised more than twenty thousand people in general terms, and of these we advised on almost 3,000 housing issues.

Tom Togher
Citizens Advice Salford

Calls to action

1. At a national level government intervention is required to reverse the decline in social housing, and to recognise its importance in supporting mixed communities and success in providing good quality, secure and affordable homes.
2. The operation of the current planning and development regime needs to be reformed to strengthen the ability of local communities to be able to hold developers to account. This would better allow local communities to determine the development of the place they live in, and to ensure that local people are compensated for the costs of such development more effectively - rather than bearing the costs through additional pressure on local services.
3. Stronger regulation of the private housing market to redress market weaknesses should be legislated for, such as better rent control and improved security of tenure, and improving tenants' redress for landlord failure.
4. That government keeps under review the impact of the operation of the social security system on the working of the private rented market.
5. That central government better resources local councils to meet their existing obligations around enforcing standards within the private rented sector, and supports the efforts to create a new public duty to prevent homelessness

Locally:

6. We call on Salford City Council to:
 - a. release the data they collect on private renting in the city, including selective licensing and complaints about rented houses in disrepair;
 - b. redouble efforts to reach landlords with only a few properties to ensure they are aware of the standards expected of them;
 - c. ensure the Environmental Health team is adequately resourced to be a more effective enforcement agency when properties are in disrepair and to undertake prompt HHSRS assessments;
 - d. look to work within the opportunities that regional devolution might create to develop 100% licensing schemes for the private rented sector. Look at the experiences of Newham council in this area;
 - e. look into setting up a 'social' letting agent (as has been done in Hackney.)
7. We call on Salford letting agents to:
 - a. be clear on their websites and in-store, particularly with respect to fees, tenancy deposit protection and means of redress
 - b. end the practice, where it exists, of discriminating against tenants who pay for their home with Housing Benefit.
8. We recommend the setting up of a private sector forum in the city, chaired by a senior local authority officer, and with representatives among tenants,

housing providers (social and private) and advice agencies.

9. Citizens Advice Salford will:

- a. continue to provide specialist advice and advocacy for private sector tenants;
- b. make efforts to raise awareness of tenants' rights and landlords' responsibilities; welcoming opportunities to do this in partnership with housing providers, the local authority and other stakeholders;
- c. provide an annual snapshot of the problems faced by clients who are privately renting in the City.

10. That all local partners look to expand and improve a local deposit and rent scheme, and that any such scheme would be more accessible and universally available.

11. That all local partners, especially the University and Students Union review the particular needs for students and the impact on student letting within the local housing market and communities.

12. That all local partners - especially the city council and the local NHS ensure that the role of housing and the working of the local housing market are included in the development of any new strategies.

Introduction

We began looking hard at the performance of the private rented housing market in Salford in the summer of 2016, and published our first report, of which this is the latest update, in February 2017. Our plan has been to take a longer view than is normally possible – and to produce two follow up reports over a three to four year period. Our first report was well received, and we were pleased to see it help in framing what has become a keen debate both locally and nationally. (Electronic copies are still available.) Although this second report can be read in isolation, it might be useful to read it within the context of its precursor, where you will find more case studies and fuller background detail to support our belief that the private sector rented housing market is failing. Although we looked at our local circumstances here in Salford, we have no reason to believe that our findings are not applicable to any similar community.

In this update we review the changes that have taken place since our first report was completed in late 2016, and particularly look at whether our Calls to Action remain relevant.

For the purpose of this report, we do not make reference to any event that occurred after 31 December 2017. Subsequent updates will be covered in a third report to be released in early 2019.

We do however feel it is important that we note a statement made at Prime Ministers Questions on 16 May 2018², Theresa May stated that the Government will fund the costs (estimated at £400m nationally) to remove and replace potentially dangerous cladding in social housing. It should be noted that this funding commitment does not extend to privately owned blocks, and nobody seems to know who should foot the bill. We will review progress on this in 2019.

Investment in Social Housing

Call to Action

At a national level, government intervention is required to reverse the decline in social housing, and to recognise its importance in supporting mixed communities and success in providing good quality, secure and affordable homes.

We believe that social housing has a prominent role in our communities, but for too long social housing has been viewed as the poor relation to private sector properties. This feeling was mostly shared by only a few interested parties until it was tragically brought to the fore by the fire that engulfed the Grenfell Tower in Kensington, London, claiming 71 lives. As a result, social housing - and the treatment of its tenants - is now a major topic of discussion in the mainstream press. We maintain the view that, for the private rented sector to work effectively within a marketplace, a robust social housing sector is necessary.

Supply

One major concern is that social housing is not being produced at a high enough rate with housebuilding³ in the social sector (housing associations and local authority housing) currently at around 25,000 per year.⁴

Of these, Local Authority starts account for only around 2,000 new builds yet the number of council houses being sold⁵ under Right to Buy is levelling off at around 12,000 per year - six times the rate of housing starts. (For comparison, there were around 2,000-3,000 sales per year immediately after the financial crash, following the previous peak of 69,577 in 2003-04.) Social housing being sold off is simply not being replaced at anywhere near the same rate. To make things worse, sales under Right to Buy⁶ are also likely to increase upon the extension of Right to Buy that will go ahead for housing association tenants following a regional pilot, though the government

has yet to confirm a timetable for this roll out.

In October, a further £2billion of funding⁷ was announced for the Affordable Homes Programme (which encompasses a range of tenures) and the Communities Secretary has also suggested that the government should borrow⁸ to provide more houses that are “affordable” by the technical definition. Although these measures are welcome, we remain concerned that they may focus on increasing the supply of “affordable” private housing rather than social rented homes.

Demand

This shortfall comes at a time when demand for social rented housing is high. In Salford, there were 12,432 on the waiting list in 2015⁹, which was reduced to 9,863 in 2016 after the council changed its allocations policy¹⁰ making it more restrictive. After 12 months, the Lead Member for housing on the council asked for a review¹¹ of

the policy to be presented “at a future meeting.” At the time of writing, we are unaware of whether this review has taken place.

We have noticed, however, that the Salford Home Search website also does not allow some qualifying persons (for instance those who have a permanent job in Salford but have not yet lived here for 2 years) even to register for housing¹². This policy could distort figures for the number of people on the housing waiting list.

We also note with concern that communications from Home Search refusing applications for social housing do not appear to include reasons for the decision, often simply stating “Not Eligible”. This appears to fall short of what is expected in the legislation¹³ and in the statutory guidance¹⁴ that, when making decisions that an applicant is ineligible or not a qualifying person, the housing authority must “give clear grounds for the decision based on the relevant facts of the case”. The same legislation requires housing authorities to provide written reasons for decisions in all cases on request and on review. We think it would be good practice to advise Home Search applicants of the reasons whenever a negative decision is made regarding their application.

Another major change to the way social housing is structured is that “secure” tenancies as we know them will be phased out¹⁵. When the legislation comes into force, secure tenancies will be offered on a fixed term basis with a typical term of between 2 and 10 years. Although the power to grant fixed term tenancies has been available to all social landlords for several years, not many exercised their discretion to do so. This new legislation appears

to force councils to remove security of tenure for most new tenants, and potentially push those at the end of their tenancies into the private rented sector that is more expensive and less secure.

On a positive note, the controversial “Pay to Stay” proposal, which aimed to reduce demand by making families on higher (but not high) incomes pay a premium to live in social housing, was dropped¹⁶ from the Housing Act.

Grenfell – investing in safety

After years of social housing going largely unnoticed by much of the population, one event tragically brought the issue to the fore. On 14 June 2017, a fire engulfed Grenfell Tower¹⁷ in Kensington, London, at the loss of 71 lives.

Under the scrutiny that ensued, records showed that residents had raised concerns about fire safety on a number of occasions and that their concerns were largely dismissed. These reports - along with poor handling of the tragedy by the council and suggestions that corners were cut in the refurbishment of the building - depicted a culture of providing a second class service for social renters in what is famously one of the richest boroughs in the UK.

One consequence of the tragedy that is being felt closer to home is that the cladding used to improve the appearance of towers, like Grenfell, across the country is being tested for fire safety and failing time after time. As a result, Salford City Council have ordered that all cladding be removed¹⁸ from the towers it controls (nine blocks in Pendleton), and housing

associations in Salford, such as Salix and City West, are also expected to remove theirs. The cost of putting right these failures is estimated to be in the tens of millions in Salford alone.

At the time of writing, much of the cladding remains in place on the nine blocks in Pendleton, following advice that only the lower floors need have had theirs removed while tests take place. The “latest updates”¹⁹ on Pendleton Together’s website, the most recent being 27 July 2017, all link to statements on Salford City Council’s website that have since been moved.

We also note that similar cladding is in place on many private developments such as the CHIPS development in Islington, Manchester, where leaseholders - many of whom will be landlords - are being told that they must foot the bill²⁰ to make the building safe. (It remains to be seen how much of this cost will be passed on to tenants.) Other developments in progress, such as Adelphi Wharf in Salford, have halted cladding works and the development now has bare insulation over almost the whole building.

Partly as a response to the Grenfell Tower disaster, Communities Secretary Sajid Javid announced in Sept 2017 that he would be bringing forward a Green Paper on Social Housing in England - “a wide-ranging, top-to-bottom review of the issues facing the sector” that would be “the most substantial report of its kind for a generation”.²¹ We welcome this review, and will examine its conclusions with interest.

Recommendations

1. The government to address the imbalance between sales and starts in social/local authority housing by reforming compensation to Local Authorities for properties sold.
2. The government to address safety concerns in the wake of Grenfell, and provide financial assistance to local authorities to replace cladding known to be dangerous.
3. Salford Home Search to amend their website to allow all qualifying and eligible persons to apply online.
4. Salford Home Search to include the reason for a negative decision on their emails and letters.

Planning Reform

Call to Action

The operation of the current planning and development regime needs to be reformed to strengthen the ability of local communities to be able to hold developers to account. This would better allow local communities to determine the development of the place they live in, and to ensure that local people are compensated for the costs of such development more effectively – rather than bearing the costs through additional pressure on local services.

In Feb 2017, the government published a housing white paper, “Fixing Our Broken Housing Market,”²² that outlined proposals for building more houses, more quickly, in the places they are most needed, and with greater input from communities. The process by which this happens - and the subsequent effects of development - are of particular interest to many groups in Salford.

Planning obligations

In recent years, money for improvements to infrastructure following a housing development has primarily come from what are known as Section 106²³ (s106) payments, though the Community Infrastructure Levy²⁴ is now taking on some of this role. These payments, known as planning obligations, are spent by councils to provide new or improved facilities (such as schools, healthcare centres, better transport) that reflect the increased demand in the community as a result of the development.

Over the last few years, however, there has been increasing concern²⁵ that developers are using viability arguments²⁶ to reduce their planning obligations to a fraction of their nominal value. Specifically, the law dictates that developers are entitled to a profit margin of 10% on any development, such that if s106

obligations reduce the profit margin to below this level the development is no longer “viable” and councils are encouraged to reduce the s106 obligations.

The calculations surrounding the viability of a development, however, are typically unavailable to the public for scrutiny on the grounds of commercial confidentiality. Some councils - including Bristol²⁷ and Greenwich²⁸ - are now making at least some viability assessments public, and new Supplementary Planning Guidance²⁹ aims to do the same across the whole of London.

Although the white paper itself mentions reforms of the s106 system, details are sparse and there are no concrete proposals that would increase the powers of local authorities to demand bigger payments. We also note that Salford received £6,532,762 in s106 contributions³⁰ in the 2016/17 financial year; in comparison, Manchester took only £490,355³¹.

Neighbourhood plans

Improving infrastructure in the local vicinity of a new development is not just about securing money from the developer; it is also about involving the local community in deciding how their local infrastructure would be best improved.

A mechanism for doing so - the Neighbourhood Plan, drafted in collaboration with the local community to provide direction for development in the area - was introduced in the Localism Act 2011 but is voluntary. The Housing White Paper suggested that these plans could be made compulsory to ensure that the local community has a say in local developments. At the time of writing, however, none of the neighbourhoods³² in Salford have put forward a plan for their area.

Recommendations

1. Salford City Council to push for viability assessments to be made publicly available for wider scrutiny.
2. Salford City Council to do more to promote Neighbourhood Plans to ensure residents have a bigger say in how their area develops.

Tenants' Rights

Call to Action

Stronger regulation of the private housing market to redress market weaknesses should be legislated for, such as better rent control and improved security of tenure, and improving tenants' redress for landlord failure.

Increasing tenants' rights is one area where we feel progress is being made in legislation, though there are other factors that may work against positive proposals which we now consider.

Buy-to-Let

As outlined in our 2016 report, the government had taken measures, such as an increase on stamp duty for additional properties and a decrease in tax relief on buy-to-let mortgage interest, that made buy-to-let less attractive for landlords. There is strong evidence³³ that these measures have had an impact on buy-to-let lending since they were introduced, and organizations such as UK Finance (previously the Council for Mortgage Lenders) expect further falls³⁴ in buy-to-let lending³⁵.

As we also noted, increasing the cost of being a landlord could lead to landlords raising rents³⁶ (reducing affordability), cutting costs such as maintenance (reducing quality) or selling properties altogether after evicting their tenants (reducing security). We also note that these changes are being phased in over a number of years, so we are yet to see the full effect on the private rented sector or how this will affect property prices if many landlords decide to sell up at the same time.

Redress against rogue landlords

For tenants who find themselves at the mercy of a "rogue landlord," Part 2 of the Housing and Planning Act 2016³⁷ introduces new powers of redress. These new measures include Banning Orders, Rent Repayment Orders and applying civil penalties rather than prosecution. A national database of rogue landlords and property agents will also be created, though it will not be directly accessible by the public unlike the one proposed for London³⁸ following a clampdown in Newham.

"Client has now received a section 21 after CA helped her with a letter about the disrepair issues and the fact her tenancy deposit has not been protected."

"[Client] has been given a letter by his landlady asking him to quit the property as she has sold it. It is a non-compliant section 21. She is also arriving at the property unannounced and letting herself in."

Rent inflation

Provided rents are set broadly in line with the rest of the local market, landlords may charge what they please. (Private rents are largely determined by “the market.”) According to the DCLG’s English housing survey³⁹ those renting their home privately spend, on average, 35% of household income on rent, compared to 28% for those in social rents; those buying their home with a mortgage, however, spend only 18% of their household income on mortgage payments.

“Client has been contacted by the landlord who is proposing to take over her property and has been told informally by phone that they want to increase her rent from £600 to £850 a month.”

“[the landlords] want to increase the client’s] rent from £600 to £850 a month.”

In 2017 a Housing (Tenants’ Rights) Bill⁴⁰ was under preparation that would have established a Living Rent Commission to provide research and recommendations for rent levels in the private rented sector. The announcement of the 2017 snap General Election, however, meant that this Bill was not passed and no further action will be taken unless it is brought back to Parliament.

Locally, we welcome a proposal by the elected Mayor of Salford to set up a fair rents commission that will inform the development of the private rented sector in the city “to ensure

Salfordians aren’t priced out of their communities”⁴¹.

“Client entered into a fixed term AST [in 2013 and] rent started at £675pm. The rent was increased to £750 from 6 December 2016 [and] the client has now received another [document] saying his rent will be £850 from 1 Nov 2017.”

Eviction and homelessness

Although some of the recent legislation seems to have reduced the benefits of being a landlord and maybe increased powers and rights of tenants, landlords still have the right to seek possession often after just two months’ notice (provided any fixed term has expired). We are concerned that the increased financial pressures on some private landlords may lead them to evict tenants and leave the market altogether.

“Client has got behind with his rent by approx. 1.5 months, and client’s landlord has told client today he wants him out of the flat by tonight. No written notice has been given.”

Moreover, the relative instability of the private rented market and the limited security of Assured Shorthold Tenancies mean that, with around 30% of all requests for homelessness assistance, evictions from private

housing are the biggest single cause of homelessness in England⁴², and growing rapidly.

EU citizens access to private sector housing

In another recent development, the Residential Landlords Association ('RLA') has reported that almost one in five landlords are less likely to rent to an EU Citizen⁴³ because of the Right to Rent immigration checks that they are required to carry out under the Immigration Act 2014. Although EEA nationals do have a Right to Rent under the Act, the situation post-Brexit is far from clear.

Furthermore, a report published by the Joint Council for the Welfare of Immigrants showed that landlords are now less likely to consider letting to foreign nationals⁴⁴ and to those without a British passport.

Resources and enforcement

Although we welcome many of the proposed measures to improve tenants' rights, there is the question of who will enforce them and deal with landlords who flout the rules. Many of these new rules will come under Local Government units, increasing

their workload at a time when funding is being cut. We therefore remain sceptical that the proposals will live up to their promise.

“The bedroom, hall and kitchen walls are covered in damp and mould with water literally running down the walls. They have complained on a number of occasions to the agent but the matter has not been resolved... The dampness is affecting his partners health as she suffers with severe allergies.”

Recommendations

1. National and local government to monitor the impact of the Rogue Landlord database on raising standards in London, with a view to national roll-out.
2. The government to provide additional funding specifically for the Local Government units who will be expected to enforce many of the proposed measures.

Social Security in Private Rented Housing

Call to Action

That government keeps under review the impact of the operation of the social security system on the working of the private rented market.

Housing Benefit in the private rented sector is capped by the Local Housing Allowance (LHA), and there are around 6,000 claimants in Salford⁴⁵, down from a peak of over 7,500 three years ago. People are, however, becoming increasingly aware of - and concerned about - the amount of public money being funnelled to private landlords via the LHA. A recent article⁴⁶ in the Independent estimated that every year around £2.5 billion of public money goes to private landlords whose tenants live in non-decent homes. (The total amount of LHA paid to all private landlords is thought to be around £10bn a year.)

Local Housing Allowance freeze

The government seems well aware of the political costs of this transaction and has introduced moves to control the benefits bill, although measures such as freezing LHA rates for four years⁴⁷ from April 2016 only make it more difficult for tenants to cover their rent if it increases. This scenario is far from hypothetical: rents in the North West increased by 1.5%⁴⁸ in the 12 months to June 2017, and Shelter conducted an analysis⁴⁹ on the expected effects on household costs for families renting privately with LHA support which found that by 2020 many will have to make up a shortfall of hundreds of pounds a month.

Such increases are likely to increase the risk of rent arrears and homelessness among families across the country, and we are concerned that the government doesn't seem to think the issue even warrants consideration.

“David Lammy, MP: To ask the Secretary of State for Work and Pensions, what assessment his Department has made of the effect of the freeze on local housing allowance on levels of homelessness.”

Caroline Dinéage, MP: We have made no assessment of the impact of the policy to freeze Local Housing Allowance rates upon levels of homelessness.”

Source: Hansard⁵⁰, 23 October 2017

Universal Credit

One specific area of concern surrounds the transition from legacy benefits, such as Housing Benefit, to Universal Credit (UC) where money is paid directly to the claimant rather than the landlords. Because there may also be a wait of up to

five weeks before the first payment (down from the original six weeks following pressure from organizations including Citizens Advice), it is likely that the tenant will fall into arrears far more easily. Indeed, there is already evidence⁵¹ to suggest that the proportion of tenants claiming UC who are in arrears is going up (38 per cent in August 2017, compared with 27 per cent in February 2016). This, in turn, is likely to lead to higher rates of eviction⁵².

Unless there are significant changes to correct these flaws, the reputation of UC - and, by association, its claimants - is likely to lead to landlords discriminating against people on UC, as they have done historically against people on benefits⁵³. (This appears to be one area where the government is paying attention⁵⁴.)

Throughout 2017, Citizens Advice has campaigned⁵⁵ for changes to the roll-out of Universal Credit with some success. We feel, however, that things are still set to get worse before they get better.

Discretionary Housing Payments

People who claim benefits but are struggling with their rent for some reason are able to cover some of their housing costs using the Discretionary Housing Payment. There is concern, however, that claimants are not fully aware of this scheme, and some councils have come under fire for not spending their full allocation.

As we hinted at before, changes to tenants' rights or planning processes or landlord licensing or letting agent practices are all very welcome, but only as long as the changes can be enforced. This requires resources - be they people or new technology - which have to be paid for, mostly out of local government resources.

Recommendations

1. The government to undertake impact assessments when changing social security policy that may be likely to affect private renting and homelessness in particular.

Resourcing Local Government

Call to Action

That central government better resources local councils to meet their existing obligations around enforcing standards within the private rented sector, and supports the efforts to create a new public duty to prevent homelessness.

Austerity Bites

As part of their austerity program, however, the previous two governments drafted plans that would see a reduction in grant money to local authorities from central government, partially compensated for by allowing councils to retain up to 100% of the business rates that they charged (which previously were handed to central government for redistribution). Council Tax rates were also frozen⁵⁶, with some interim measures intended to offset the loss of income.

Parts of these plans - mostly the compensatory parts - now seem under threat. A report⁵⁷ published in 2014 by the National Audit Office estimated that the average real-terms cut to local government funding over the five years between 2010/11 and 2015/16 was 25% if Council Tax increases were taken into account, and 37% if they were not. Salford has seen its revenue support grant cut by 47%⁵⁸ since the 2010/11 financial year.

Meanwhile, the Local Government Association - the voice of councils across the country - predicted that 75p in every £1⁵⁹ of core funding will be lost by 2020 and that almost half of all councils would receive no grant at all from central government. It has also said that "the well of efficiencies is starting to run dry"⁶⁰ such that further cuts in funding will inevitably affect frontline services such as housing

enforcement or environmental services. The effect of all these cuts was immortalized in Barnet Council's infamous "graph of doom,"⁶¹ predicting that Adult Social Care and Children's Services alone would consume the entire council budget within ten years if current trends were not reversed.

Looking forward

The Council Tax freeze, announced in 2011, was finally lifted in the 2015 Spending Review⁶². This allowed councils to raise their rates by up to 2% (or more if they put it to a referendum) which many, including Salford⁶³, duly did.

Since the 2017 snap General Election, however, it is unclear which parts of the original plan will remain and which will be jettisoned, leaving great uncertainty⁶⁴ among many local authorities. In light of such uncertainty, councils are keen to increase reserves but in practice they are having to spend them to maintain existing levels of service. Exceptional costs, such as to replace cladding on social housing following the Grenfell tragedy, seem likely to put further pressure on council reserves.

In light of the current funding environment, it is difficult to see that many well-intentioned policy changes will bear fruit because the agencies charged with enforcing the changes are being starved of cash.

Responsibility to prevent homelessness

From April 2018, The Homelessness Reduction Act (2017)⁶⁵ significantly extends the responsibilities of local authorities to prevent homelessness. Interestingly, although not a full public duty to prevent homelessness, the new Act includes a referral duty where a “specified public authority” (including prisons, social services and the emergency services) considers that someone they are working with is or may be homeless or threatened with homelessness, they must refer that person’s details to a local housing authority but only if the person agrees to the notification being made.

The legislation also requires local authorities to intervene earlier (56 days rather than 28 days) in cases of threatened homelessness and to come up with a personalised homelessness prevention plan. Local authorities will also have 56 days to help homeless households to secure accommodation before they need to take statutory homelessness applications. The local authority will have to formulate personalised homelessness relief plans and will be able to make formal use of private rented sector properties to relieve homelessness prior to accepting a homelessness duty.

Recommendations

1. The government to remove the uncertainty surrounding local government funding by clarifying which measures will stay and which will change.
2. The government to provide additional funding for Local Government teams to enforce new measures enacted by parliament.

Local Authority Action

In our 2016 report we identified a number of measures that Salford City Council could take in order to promote and enforce better standards in private rented housing. Here we assess what progress has been made and review any changes that affect these recommendations.

Sharing knowledge

Call to Action

Locally, we call on Salford City Council to release the data they collect on private renting in the city, including selective licensing and complaints about rented houses in disrepair

Salford does have an online data repository⁶⁶, though it contains only 69 datasets in total and the Housing group is empty, though (sparse) Social Housing Asset Data is available. We know the data are available (we were given some for our initial study, and the council's online rented property complaint form⁶⁷ will almost certainly be linked to a central database) but the data are not made publicly available for free.

Our view is that public authorities such as councils should open up their repositories so that interested groups, such as Citizens Advice or university social science departments, can analyse the data and suggest effective policies backed up by objective evidence; we believe that the benefits, both to councils and to the communities they serve, would more than outweigh the costs involved in packaging and publishing the data.

Networking

Call to Action

Locally, we call on Salford City Council to redouble efforts to reach landlords with only a few properties to ensure they are aware of the standards expected of them

Educating landlords on their rights and responsibilities is vital to ensure that tenants get the service they pay for, and also benefits the landlords by giving them the confidence to deal with problem tenants while keeping within the law. Although a landlords' forum⁶⁸ is held annually, tenants and advice agencies do not attend as a matter of course and it is unclear how many landlords attended the last forum or how many properties they own because, as far as we are aware, these figures are not released (and possibly not collected). Without such information, we cannot assess the effectiveness and reach of the forum to those landlords who would benefit most from it.

Enforcing standards

Call to Action

Locally, we call on Salford City Council to ensure the Environmental Health team is adequately resourced to be a more effective enforcement agency when properties are in disrepair and to undertake prompt HHSRS assessments

From our initial research we know that Salford City Council which is responsible for enforcement within the private rented sector, has lost many of its staff, funded under Environment and Community Safety, whose spending has been reduced from around £46m in 2013/14 to around £39m in 2017/18 according to Salford City Council Budgets⁶⁹. Although this is unsurprising, given the extent of cuts to local government in recent years (see above), it is likely to make it easier for rogue landlords to exploit their tenants for financial gain without penalty.

“Client brought in the Environmental Health who informed her that ... not only was there an infestation of mice but there was also a rat. Client has communicated with the landlord during this three week period however [he] has now become verbally abusive to the couple.”

In practice, a Freedom of Information request revealed that 6 in 10 councils had not prosecuted a single landlord⁷⁰ in the year to October 2017, raising concerns about the support tenants can expect to receive in challenging a failure by their landlord to remedy defects and hazards in rented housing. Nearly 30% of councils were also found to have carried out fewer than 100 inspections of privately rented properties in the same period, typically citing a lack of resources as the reason behind the low level of enforcement activity.

“Within 3 weeks of moving in she noticed mould coming through the freshly-painted walls in the bathroom... She complained to the landlord about the mould which was rapidly growing but he made excuses and didn't even come to view the problem. The ceiling cracked and again she reported this and was dismissed for 'mithering' the landlord... She reported water coming through the cracks and the landlord promised to send someone round but didn't. ...the ceiling collapsed... The landlord then sent a text ending her tenancy.”

A Citizens Advice report⁷¹ from July 2017 found that most tenants do not make use of formal routes to repair and redress: only 5% of tenants who waited longer than is normally reasonable for repairs reported disrepair to their local authority's Environmental Health team, and only 1% applied to court to claim compensation. Although these numbers seem small, they still represent a significant number of tenants which makes it all the more surprising that so many councils did not make a single prosecution.

Devolution opportunities

Call to Action

Locally, we call on Salford City Council to look to work within the opportunities that regional devolution might create to develop 100% licensing schemes for the private rented sector

Since our first study was published, Greater Manchester has elected Andy Burnham to be its first metropolitan mayor. This will see some powers devolved from central government to locally elected officials and, in theory, give them greater control over local policy and practice.

As part of his campaign manifesto⁷², Mr Burnham expressed his support for voluntary registration of landlords who commit to providing a minimum standard of accommodation for their tenants. He also talked about partnering with local authorities to take action against landlords that provide substandard accommodation. After he was elected, further details⁷³ of his stance toward the private rented sector were fleshed out, including support for wider landlord licensing, a rewrite of the Greater Manchester Spatial Framework (led by Salford's elected Mayor, Paul Dennett) and setting up a fund to tackle homelessness.

However, although both he and Citizens Advice⁷⁴ are broadly in favour of widespread landlord licensing (if nothing else, it forces landlords to engage with the council), we are also aware that the GM Mayor does not have the power to enforce 100% licensing across Greater Manchester.

Compulsory Landlord Licensing

Call to Action

Locally, we call on Salford City Council to look at the experiences of Newham council in this area.

By some accounts⁷⁵ Newham's licensing scheme, which ends in 2018, has been a success. Since it began, it has been responsible for 70% of prosecutions of landlords in all of London, this includes 2170 improvement notices, and a ban on 28 rogue landlords. Many say this willingness to pursue higher standards in the borough is forcing landlords to provide the level of service for which their tenants are paying.

Due to changes in legislation, however, Newham will have to apply to the Secretary of State for Communities and Local Government for permission to extend the scheme. Given that no council to date has been successful in such an application, it remains to be seen whether this apparently effective scheme will continue or whether the government will shift power back in favour of landlords.

Not for profit letting service

Call to Action

Locally, we call on Salford City Council to look into setting up a 'social' letting agent (as has been done in Hackney).

Revisiting Hackney's "social" letting agent, Move 51° North, it would appear that whilst this project was not a success and they came under fire for filling only two properties in ten months⁷⁶. Hackney Council has since launched a new service, Priority Homes⁷⁷, that seeks to manage properties on behalf of private landlords, find tenants and collect rents. It is not clear whether prospective tenants are taken from the social housing waiting list.

A similar scheme, Salix Living⁷⁸, also exists in Salford as a private renting arm of Salix Homes, a housing association. This company acts as a letting agent for private landlords, only they charge a 25% management fee (compared with a typical market rate of 15%) and make properties available to people on the social housing waiting list.

Recommendations

1. Salford City Council to publish more of its data on the private rented sector and environmental services, making it available to research and campaigning groups.
2. Salford City Council to collect and publish more information on private landlords in the city to improve communication between the two bodies.
3. An assessment to be made of Salix Living and consider whether a more wide ranging city wide social letting service would be of benefit to local people

Letting Agent Practice

We propose that SCC and other stakeholders explore not for profit lettings but also note that for several years, Citizens Advice has been campaigning to improve the quality of service provided by letting agents to their tenants. This is another area where we may be about to see considerable changes for the better.

Transparency of fees

Call to Action

We call on Salford letting agents to be clear on their websites and in-store, particularly with respect to fees, tenancy deposit protection and means of redress

Our previous report included an automated survey of 64 Letting Agents operating in Salford, where we found that around half of their websites did not mention (in words) terms relating to redress or professional standards, but almost all did mention fees. This seemed to suggest that there is a bias toward what the agents get from the tenant (fees) over what the agents give in return (rights to redress, professional service).

This may, however, be about to change. A new Tenants' Fees Bill⁷⁹ (England only) will, if implemented in its current form:

- Ban letting agents and landlords from charging tenants letting fees (with some exceptions)
- Cap holding deposits at no more than one week's rent.
- Cap security deposits at no more than 6 weeks' rent.
- Create a civil offence for an initial

breach and creating a criminal offence where a person has been fined or convicted of the same offence within the last 5 years. Civil penalties can be issued as an alternative to prosecution.

- Require Trading Standards to enforce the ban and to make provision for tenants to be able to recover unlawfully charged fees.

This is a significant step forward, and has been welcomed⁸⁰ by Citizens Advice who have campaigned on this issue for several years. It remains to be seen what effect this will have on rents, since letting agents may pass the costs onto landlords who will pass it on to tenants as higher rents. (This would, however, better reflect the true cost of providing the service to the tenant as well as spread costs, making it easier to budget.)

The effectiveness of the legislation will, of course, rely on local Trading Standards departments being resourced to enforce its provisions and on prospective tenants being willing to bring unlawful practice to their attention.

“[From Letting Agent:] Please note there is a tenancy documentation fee of £150.00 (£125.00 plus vat 20%) for the extension of the Tenancy. [£150 to change a date on a contract.]”

Interestingly, Newham council audited 159 letting agents working within the local authority and rated them on a scale of zero to five stars, publishing the results⁸¹ on their website for prospective tenants to see. We welcome initiatives such as these that

increase transparency, and hope to see them replicated in other areas.

Benefits discrimination

Call to Action

We call on Salford letting agents to end the practice, where it exists, of discriminating against tenants who pay for their home with housing benefit.

Although it is not difficult to find research looking into the extent of the problem there are few proposed solutions, as the practice is not illegal (income and employment status are not protected characteristics under equality law). This is, therefore, a problem that is unlikely to go away any time soon.

Around five years ago, it was estimated that 30-40% of all private renters were in receipt of Housing Benefit (via the Local Housing Allowance). There is, however, evidence⁸² to suggest that it is getting harder for claimants to access private rented accommodation as landlords seek to let their properties to “lower risk” tenants. As we noted above, the introduction of Universal Credit (UC) is likely to increase this problem because UC claimants are seen as a greater risk of rent arrears (a suspicion that is increasingly supported by evidence).

Recommendations

1. When buying any financial product, a “Key Facts” document - easy to read and in a broadly standardized format - summarizes the main things you need to know. We recommend that letting agents be required to provide a similar document, both in hardcopy and electronically on their website, summarizing their charges, fees and rates (for both landlords and tenants) and the tenancy deposit protection scheme they use. Ideally, this would be in a standardized electronic format that can be accessed by comparison websites, as is standard in insurance, utilities, financial products, etc.
2. We also recommend that all letting agents be required to publish their policy on accepting customers who are in receipt of benefits. This policy should be applicable for all properties offered by the letting agent, and not dependent on the preferences of individual landlords.

Landlord and Tenant Forum

Call to Action

We recommend the setting up of a private sector forum in the city, chaired by a senior local authority officer, and with representatives among tenants, housing providers (social and private) and advice agencies.

As noted above, Salford City Council does host a Landlord Forum⁸³ once a year but its purpose is to inform landlords about changes in legislation and help landlords to “interact with each other and to engage with the city council.” Tenants, social housing providers and advice agencies, however, are not involved and do not appear to be invited.

Council bodies, housing providers and some support agencies (e.g. NHS Salford) are involved as part of a Salford Strategic Housing Partnership group⁸⁴ with a view to shaping housing strategy in the city. Again, however, private landlords and tenants are not represented in the group. Also, the web page was last updated in 2014 and it is not clear whether the group continued to meet after the Housing Strategy⁸⁵ was published. (A specific strategy on Private Housing, both rented and owner-occupied, covered the period from 2010-15 but a revised strategy is not listed among the various housing strategy documents⁸⁶ on Salford City Council’s website.)

Meanwhile, community groups have taken to organising themselves: Greater Manchester Housing Action⁸⁷ is a non-profit campaigning organisation that hosts and promotes events in the city to bring together tenants, community groups and other agencies who want to improve access to housing; in the wake of the Grenfell Tower disaster, local residents organized a meeting⁸⁸ in Pendleton where there is a high concentration of newly clad high rise tower blocks; and the Tenants’ Union⁸⁹ is becoming active in Manchester to provide a collective voice for renters.

It is unclear whether these two disparate groups - landlords’ associations and tenants’ associations - are willing to engage with each other or what further incentives would be needed to make this happen. As things stand, the self-segregation of landlords and tenants is likely to hinder progress.

Recommendations

1. Salford City Council or GMHA (or similar) to organize a single “renting forum” - rather than a landlords forum or a tenants forum - that brings the two groups together with representation from all sides.

Citizens Advice Action

At Citizens Advice, we recognize our role in helping to raise standards in partnership with other agencies including local authorities, charities and campaigning groups, and recognize that we have responsibilities running alongside those of others.

Providing advice

Call to Action

Citizens Advice Salford will continue to provide specialist advice and advocacy for private sector tenants

Citizens Advice Salford continues to provide support to people in the private rented sector, as we always have. In 2017, we gave advice to 714 people about private rented housing, mostly around tenancy deposits, disrepair, and high rents or fees causing financial difficulty.

Of note is the steady flow of clients whose deposits have not been protected, or whose properties are in a state of disrepair or who appear to be getting an extremely poor service from their landlords. Due to it being a very difficult and lengthy process to persuade reluctant landlords to do repairs, several tenants have “given up” and feel they have no option but to move out. We have had some successes negotiating an early end to tenancies in these circumstances to enable the tenants to make a fresh start elsewhere.

Raising awareness

Call to Action

Citizens Advice Salford will make efforts to raise awareness of tenants’ rights and landlords’ responsibilities, welcoming opportunities to do this in partnership with housing providers, the local authority and other stakeholders

This report is the second in a series on the Private Rented Sector in Salford. The first was launched in February 2017 at an event attended by Rebecca Long-Bailey (MP for Salford and Eccles), Cllr Paul Longshaw (then Lead Member for Housing at Salford City Council), and representatives from Salford University and charities who work with people struggling with private rented housing. We also ensured that the report was seen by other people of influence such as Andy Burnham (Metro Mayor of Greater Manchester) through informal contact at events.

At the Salford VCSE Conference in June 2017, we used our research as the basis for a workshop on private rented housing where representatives from other agencies could discuss the issues faced by the clients that they supported. We then summarized these issues in the main conference to a wider audience of 163 people working across the voluntary and community sector in Salford.

Reporting on progress

Call to Action

Citizens Advice Salford will provide an annual snapshot of the problems faced by clients who are privately renting in the City.

With this series of reports, we are making a firm commitment to raising standards in private rented housing by making sure that the most influential figures have the evidence they need to push for positive change.

We are in a unique position to do this because we can combine publicly available information and statistics (e.g. from the government) with figures and anecdotal evidence from our own records. Citizens Advice is one of the few charities with the volume of records to generate these meaningful, quantitative statistics as well as the qualitative stories that remind us of the humanity behind the numbers.

Recommendations

1. Citizens Advice to complete the series with a third report to be released in early 2019.

Financial Assistance for Renters

Call to Action

That all local partners look to expand and improve a local deposit and rent scheme, and that any such scheme would be more accessible and universally available.

The Salford Rental Bond Scheme⁹⁰ helps people in the greatest need (those at risk of being homeless, on low incomes or benefits, or who have a disability) find accommodation of a minimum guaranteed quality, which it ensures by matching tenants with only those landlords who are accredited.

We would, however, need access to figures on the number of landlords and tenants who participate in the scheme from one year to the next in order to know how popular the scheme is and whether it is being expanded. To our knowledge, these figures are not publicly available so such a comparison is not possible.

We are working with other partners in the city to push for products that help private renters in the city to secure tenancies for the first time, and to help with the costs of moving. One of the partners with whom we hope to work more closely is the Salford Credit Union⁹¹ who would have valuable insight into expanding schemes to make renting more affordable and accessible to people on low incomes.

Recommendations

1. We recommend the council release an annual snapshot of figures related to the Salford Rental Bond Scheme, including the number of tenants and landlords who participated, how many times the Council have had to pay out, and what steps the Council has taken to promote the scheme more widely.
2. Salford Credit Union to take a greater role in promoting the scheme, and consider new financial products aimed at making rented properties more accessible to Salford residents.
3. Partners locally to support conversations at Greater Manchester (GM) level to co-ordinate GM credit unions in creating a GM wide rental bond scheme.

Students and the Private Rented Sector

Call to Action

That all local partners, especially the University and Students Union review the particular needs for students and the impact on student letting within the local housing market and communities.

Although universities typically guarantee accommodation for first year students, many students choose to live off-campus in later years of their study. Because, however, they are likely to live in the property only during term-time (and often only for one or two years) the flexibility of private rented housing makes it an attractive option.

As a result, wards with the highest student populations also tend to be those with the highest proportion of private rented housing: according to the 2010 Private Housing Survey Report, Irwell Riverside (which contains most of the University campus) had the highest proportion (12.9%) of students in private housing, though only 2.7% of privately owned houses in Salford were occupied by full time students overall and this figure was less than 5% for the majority of wards in Salford.

Although private rented housing may be good for the student, however, a high density of PRS housing - often houses of multiple occupation - may not be welcomed by the local community. During term-time, HMOs can put extra pressure on council services (e.g. rubbish collection) and student populations are known for occasional antisocial behaviour. Out of term-time, areas can feel deserted and empty houses are prone to break-ins. Moreover, because students often stay for only a couple of years there is

rarely as much community cohesion than in less transient populations. It is, therefore, in the interest of the council to monitor the distribution of students - determined partly by the distribution of student housing - across the city.

Demand for student accommodation

In 2013, Salford City Council commissioned DTZ to investigate demand for student housing in the future, and the resulting study⁹² was to be used to inform planning decisions for student accommodation in the city. The report concluded, among other things, that there is little demand for additional private student housing and that no part of the city has a student population of more than 5%. (This is in contrast to the Private Housing Survey Report, though the latter looked only at privately owned housing.)

These figures are partly down to there being a high proportion of students at Salford University who originate from the local area, and who therefore choose to live at home and commute to university. The University has also embarked on an ambitious building programme that has increased the number of rooms available on campus, and there has been an increase in block supply from institutional providers (such as X1) in contrast to "retail" landlords. As a

result, supply is now considered to be in excess of demand.

Private renting for students is, therefore, a smaller concern in Salford than in many other university cities. In contrast, a similar study⁹³ commissioned by Manchester City Council investigated the impact of its significant student population. (The University of Manchester and Manchester Metropolitan University had ~75,000 students between them in 2013, compared with around 23,000 at the University of Salford.) The University of Manchester in particular, being a more traditional and research-intensive university, attracts a greater proportion of students from outside the immediate local area and who therefore require accommodation close to the campus, often concentrated in areas around Ardwick, Hulme, Rusholme and Fallowfield but increasingly in the city centre, too. As in Salford, a number of high quality, purpose-built accommodation blocks are under consideration and the council are thinking about how to manage the supply and its location, in addition to the effect on local communities.

It does, therefore, appear that local organisations (and local authorities in particular) are thinking about the effects of student accommodation in Salford and Manchester. Although we would like to see more assessment of effect on the private rented housing market (especially in light of other changes, for example in tax), we appreciate that this is a complex undertaking.

Recommendations

1. All partners to keep this under review and monitor any significant changes.

Housing Aware Strategy

Call to Action

That all local partners – especially the city council and the local NHS – ensure that the role of housing and the working of the local housing market are included in the development of any new strategies.

In February 2017, Salford City Council launched its new anti-poverty strategy, No One Left Behind, based on the experiences of people across the city who have been affected by poverty. Teams developing other strategies are now expected to consider how those strategies interact with the causes and effects of poverty in the city, and to make them more “poverty proof.” We would like to see the same consideration given to the interaction between strategies and the private housing market.

In theory, some of this should already happen via the Salford Strategic Housing Partnership⁹⁴ which, with others, was formed in order to encourage departments and organizations to work more closely together (for example the NHS to consider action when discharging vulnerable patients). Strategies are also likely to take into consideration the Greater Manchester Spatial Framework⁹⁵ as it develops in response to devolution.

Housing strategy

Housing strategy itself is also undergoing significant changes, partly in order to to increase the rate of affordable housing supply in the city. Following the financial crisis, when housebuilding fell dramatically⁹⁶, planning strategies across the country were relaxed - and affordable housing requirements lowered - in order to encourage more development. This meant, however, that when the market began to recover, the strategic response lagged behind and affordable housing supply remains at a lower level than many would like it to be.

Salford City Council are taking action to update planning recommendations and raise rates of affordable housing supply, but any developments submitted before new guidance was issued (and there are several) will not be affected by any future changes. Updating guidance must also follow proper process and go out for consultation if it is to avoid being contested in the future. For these reasons, rates of affordable housing supply may remain low for some time.

Recommendations

1. Salford City Council to release any further reports related to housing strategy (for example, the Private Housing Survey Report) as soon as practical.

Conclusion

In 2016 we said “from the evidence gathered here, we conclude that private renting is often not the ‘flexible’ housing option that some would have you believe but often a poorer quality, insecure and expensive last resort. The figures show that private rented housing is more likely to be cold and damp, in disrepair and dangerous, and that as a tenant you will move more often and pay higher a higher percentage of your income in rent than you would as a social renter or owner occupier, leaving less to save for the future.

But we should not allow numbers to mask the reality underneath. Behind every statistic is a parent, a child, a spouse, a family. From the couple expecting their first child, left homeless with no notice by a landlord who changed the locks of their house, to the father and daughter who spent nights sleeping in a tower block stairwell because they were unable to secure a home.

Behind every piece of evidence is a past; behind every recommendation, a future”

We stand by this statement, but say additionally this year – that we are now increasingly articulating a shared view that this market place is not working. There has never been a better time to change how it is organised – as well as never being a time when this was never more needed.

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Our aims

- Provide the advice people need for the problems they face.
- Improve the policies and practices that affect people's lives.

Our principles

Citizens Advice Salford provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities. We value diversity, promote equality and challenge discrimination.

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