

# **The Housing Question 2016**

## **Private renting and the housing market in Salford**

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# Foreword

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Housing – its quality, supply and cost have been central questions to Salford and its citizens even before Robert Roberts wrote his Salford work ‘The Classic Slum’ (1971), based on the conditions of Salford’s housing market at the turn of the 19th century. Engels and Marx had already drawn attention to the role housing played in the well being (or lack of it) for the people of Salford.

Few places have had such a long history of being studied in terms of this link between housing – its market, and well being, as Salford. This report is intended to draw the attention of policy makers, and the public they serve to the most serious aspects of these market failures. We are anxious to bring the experience of the thousands of people who come to us for advice each year to the public debate.

As is our tradition, we have tried to extract the lessons, to understand the forces that cause such serious and protracted problems for our clients, and their advice needs.

We see a series of market and policy failures – such as an adequate supply of housing, housing which is affordable and of good quality, and housing which can be securely occupied.

We see a failure of the housing market place, caused in the greatest part by an ever growing disengagement of the state from that market place – not just in terms of building new houses, but also in terms of trying to create an adequately regulated market.

We also see that these failures have become so serious as to affect all but the richest of our community. It is this increased universality of the current housing problem, that not only mark it out as more serious, but that gives

some hope that it will rise as an issue in the public mind.

Our policy recommendations look to correct, in some part, those causes of these market failures. There is work for everyone – this is an unusually local, regional and national problem – and so are the corrective actions.

Our efforts in this work, have been funded in part by the financial support we received from The Booth Charities – who have been working to improve the housing conditions for the people of Salford for more than 300 years. We are grateful to them for their support, and proud to be part of such a long tradition.

**A note of thanks to the report’s team of authors, in particular Phil Tresarden, and all our advisers who contributed to evidence gathering.**

Tom Togher

Citizens Advice Salford

# Calls to action

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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

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Everybody needs somewhere to call home - four walls, a roof and a door that locks would be considered by most to be a bare minimum. Depending on your financial circumstances, up to three main options will be available to you: owning your home outright or with a mortgage, renting from a social landlord such as a housing association or local authority or renting from a private landlord. For an increasing number of people, a fourth and less secure option is to rent a single room in a house as a lodger.

Over the last decade, nationally the proportion of households renting privately has almost doubled as a result of soaring house prices and a lack of available social housing. In Salford Council's current Housing Strategy it is noted that "fewer new households in Salford are home owners or become social tenants and are far more likely to rent in the private sector."<sup>1</sup> There is, however, a problem: while the provision of good quality private rented property is very much part of the solution to the housing shortage, only half of private renters think that private renting is a good way to occupy their home, and almost one in four are positively unhappy with renting privately.<sup>2</sup>

These 'official' figures reflect our experience at Citizens Advice Salford. In one recent 12 month period we received 1763 enquiries about problems with housing, around half of which came from private renters, just under four in ten were from social renters, and the rest related to owner-occupied properties. Given that private rented houses are in a minority in Salford, the number of complaints we receive is disproportionately high.

Salford is not unusual in this respect, looking into figures collected by Shelter in 2014, six in ten people who rent privately experienced at least once in a 12 month period either damp, mould, leaking roofs or windows, electrical hazards, animal infestations or gas leaks.<sup>3</sup> These types of privately owned properties are often let by landlords who do not take advantage of professional support networks, do not want to deal directly with their tenants, and whose motives are frequently and understandably financial rather than social. (Unlike Housing Associations - often known as 'social landlords' - private landlords have no obligations other than to provide accommodation that meets legally set standards of safety and habitation.) Tenants are also more likely to be evicted from a privately rented home at short notice, often without any breach of tenancy. Prospective private tenants also may have to pay more in arbitrary letting agent's fees, a large deposit, higher rents and higher bills.<sup>4</sup>

In short, it is not hard to see why so many private renters aren't happy. Although many people will appreciate the flexibility and choice in private renting and the speed at which they can move into a house on the private market, in practice many people rent privately because they have no other option as there are neither enough social houses to rent nor affordable houses to buy. **We begin by describing this housing market failure and the economic drivers behind it, and why this situation might get worse before it gets better.**

# Market Forces

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It is often assumed that renting one of the four million privately rented homes<sup>5</sup> from one of the estimated two million landlords is governed effectively by the competing forces of supply and demand: but rising demand (or falling supply) decreases competition among suppliers (landlords) and increases competition among consumers (tenants), thus giving landlords a relative advantage over their tenants. Here we examine the forces that are in play now, and how their net effect may change in the near future.

## Driving demand

Following years of steady growth in the level of home ownership, this trend has gone into reverse and it is now the rented sector that is growing.<sup>6</sup> Within the rented sector, however, the balance has also changed between those renting socially and those renting privately such that the proportion of people renting has more than doubled in the last decade. These changes can, in part, be attributed to policies of successive national governments that have increased demand for privately rented housing at the cost of other tenures.

Right To Buy, introduced in 1980, was one of the best known policies of the Conservative government at the time, whereby social housing tenants were able to buy their home at a discount that depended on how long they had lived there. Since its introduction, 1.9m council houses have been sold under the Right To Buy scheme,<sup>7</sup> contributing to the decline in social renting from 5.5m households to only 4m in 2014-15.<sup>8</sup> This right is soon to be extended to housing association tenants, and is likely to deplete social housing stock further.

Among other changes, much attention has gathered around the **Housing and Planning Act 2016** and its effect on the social rented sector, particularly the gradual phasing out of a “tenancy for life” in the social housing sector. After a period of fixed term social housing (local authorities will still offer secure tenancies but with fixed terms of two to ten years), many tenants will need to be rehoused elsewhere, increasing demand in the private rented sector if they can’t afford to buy. This loss of secure tenancy may also result in people being less willing to invest in their home, garden or community if they know they will have to leave at some point.

Despite promises that houses would be replaced one-for-one, sales under Right To Buy have outstripped house building in the social rented sector many times over.<sup>9</sup> In 2015-15, housing associations in Salford started only 70 new properties (compared with 750 started by private developers) and Salford City Council, in common with the bulk of local authorities did not start building any new houses at all.<sup>10</sup> (These figures are similar to housing starts in authorities of a similar size such as Derby, Wolverhampton and Brighton & Hove.). Recent investments in the provision of new housing funded by the Greater Manchester Housing Fund within the context of regional devolution are welcomed, but this does not address the reduction of scale in the social housing available in the City. It may be worth developing alternative approaches such as housing co-operatives and other community responses to housing need, where the risk to investment is not as badly impacted by right to buy policies. It is though difficult to see that this approach might deliver enough additional capacity quickly.

Rents that social landlords may charge are also being reduced by 1% per year over four years, which is expected to reduce the Housing Benefit bill but at a cost to the providers (housing associations and local authorities) rather than tenants.<sup>11</sup> This loss of income is likely to reduce housebuilding further within the social rented sector, and some social landlords have already announced that they will no longer build any houses at all for social renting.<sup>12</sup>

Recent shifts in government thinking about social housing extend to limiting the security of tenure, and ultimately withdrawing publicly provided housing for those tenants earning a certain income. The Housing and Planning Act has a provision to limit the length of tenancy for those in social housing earning more than a certain level, alongside other efforts to limit access to housing benefit. This "Pay To Stay" scheme due to take effect in 2017, compulsory for local authority properties, discretionary for Housing Associations, demands that households on incomes above £31,000 (or £40,000 in London) would be charged up to market rents in social housing to reflect their greater ability to pay.<sup>13</sup> This is likely to add additional pressure on the rest of the housing market.

One more way to restrict access to social housing is to change the rules that make potential tenants eligible for accommodation. Salford City Council, for example, has recently changed its allocations policy in ways that exclude around half of those currently on the waiting list for social housing. It could be argued that this simply reduces unrealistic expectations: not all the people on the list would have been rehoused and many of the exclusions have been of those who

were not deemed to be in any housing need. The requirement for two years' residence in the borough, however, may well have excluded many who were - and still are - in housing need and may have had a good chance of being rehoused.

These policy changes and proposals would shift the balance within the existing rented sector, steering tenants away from social rented homes and into private rented ones. Because Salford has a lot of social renters (29% of households in Salford are in social housing, compared to 18% over the whole country), it could be affected particularly badly by these changes and the resulting rise in demand would be particularly acute.

There are, however, further pressures increasing demand from the opposite direction - namely that house prices are rising so quickly that fewer people are able to afford to buy than in previous years. People who, in previous years, would have moved from the rented sector into a home of their own are now unable to do so, and are spending longer in rented housing as they try to save for a deposit.

It is also worth noting that a student housing sub-market also impacts in both the demand and supply of housing within the City's rented housing market, and also creates additional local authority planning and community cohesion pressures.

Over years, a poorly performing housing market can have a more serious impact on social cohesion over generations, as younger people face increasing difficulties in being able to set up homes for themselves in the communities and localities where they were raised.



## Strangling supply

Increasing demand for private rented housing would lead to higher rents unless there were a matching rise in supply to maintain the same level of competition. In recent years, it has been possible for the private rented market to expand because of low interest rates (making Buy To Let mortgages less expensive to service) and the widely reported rise in house prices have made Buy To Let investments attractive, particularly since the recession in 2008.<sup>14</sup> [As long as rents cover mortgage repayments, capital gains are effectively money for nothing.]

As we will see later, however, this growth has not been sufficient to meet the higher demands, and rents have increased faster than wages. There are many reasons why this problem might yet get worse, from interest rate rises (that increase the cost of mortgage repayments) to changes in government policy.

- Stamp Duty, for example, has been increased by three percentage points for second properties, increasing purchase costs for landlords.
- The allowance for wear-and-tear, previously a flat-rate of 10% of the rent received, on furnished properties has been replaced with a scheme that reimburses landlords only for costs actually incurred, potentially reducing overall profitability. The removal of this flat-rate allowance increases the administrative burden on most landlords of furnished properties as they will have to calculate and justify the expenses, potentially causing rent increases.

- Other non-financial policies might also deter investment in the Buy To Let market. A new “Right to Rent” obligation, for example, requires landlords to check that their tenants have a right to stay in the country,<sup>15</sup> adding another disincentive to enter the market with the likely outcome being an increase in agency fees and possibly rents.

Changes such as these have led to a growing feeling that the government has “declared war” on private landlords<sup>16</sup> and the 2016 Budget, in which capital gains tax was lowered for everything *except* residential property, did little to dispel this feeling.<sup>17</sup> Letting a property is becoming more of a chore and less profitable, too, which might deter landlords and shrink the size of the private rented sector.

Added to these pressures, the rate of population growth in the city means even without these distortions to the market place demand for housing will continue to outstrip supply, and there is an increasing risk that this will become a major block to the city’s future growth.

## Assessing the impact

Landlords might respond to these changes - that is, the increase both in demand and in the cost of being a landlord - in one of three ways: reduce costs by cutting corners such as maintenance and repairs; sell up and exit the market altogether; or increase the rent. We can surmise one thing: it is unlikely that many landlords will be willing or even able to absorb increased costs.

The impact of these responses would be to reduce **quality, security** and **affordability**, and it is to these three areas that we now turn.

# Quality

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**“Client came today regarding the state of his property... There has been no heating for 3 years. 5 weeks ago someone came in (without his permission) to try to fix the boiler and caused a flood from the loft through his son’s bedroom and kitchen... They now have to sleep in the living room.”**

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Privately rented housing at the lower end of the market is not always known for its quality; or, rather, it is but not often for the right reasons. Among Citizens Advice records, stories abound of rogue landlords, mouldy walls and broken boilers, and Salford is no exception. People have now become so concerned by poor housing standards that a bill has been proposed in parliament that would make it a legal obligation for landlords to ensure their properties are fit for human habitation.<sup>18</sup> It may be a surprise to note that “fit for human habitation” is only a requirement for furnished lets but not unfurnished (which are the majority) but the recent attempts to change the legislation by a Private member’s bill and amendments to the Housing and Planning Act have been rejected by the government.

## **The Private sector dichotomy in Salford**

Salford Council too has acknowledged the problem in the City, noting in its housing strategy that “parts of the city have some of the worst housing conditions in the country”.<sup>19</sup> However the city is also experiencing economic growth, with consequent rapid development of new good quality housing sitting uncomfortably

alongside older private sector housing, 20.9% of which in 2014 fell below Decent Homes Standards and crucially the same year Salford’s housing strategy noted 9,456 vulnerable households were renting privately.<sup>20</sup> When it is factored in that these households also do not benefit from the infrastructure support and advice that their counterparts in social housing properties receive a picture of a significant minority of tenants in Salford emerges who suffer from poor quality housing whilst coping with ill health and disability. This stark contrast prompted a commitment from the City to increase licensing as a response to reports of substandard housing but for many of the clients who visit Citizens Advice Salford poor quality private rented housing continues to blight the lives of families across the City.

## **Condition of Property**

**“The boiler has been broken down since [three weeks ago] and so there has been no heating since then. There are also other issues including rats.”**

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## Damp and mould

Living in a damp house makes you sick. Excess moisture in the air - possibly as a result of poor maintenance such as rotting window frames, leaks and a lack of damp-proofing - provides fertile conditions for mould, fungus and dust mites that make you vulnerable to asthma, allergies and respiratory infections.

**“All our rooms (2 bedrooms, hallway, 2 bathrooms) have damp/mould on the walls... We have serious concerns about our health now and raised this lots of times... We are desperate and do not know what to do any more.”**

Again, the English Housing Survey tells us where damp problems can be found, and the privately rented sector fares poorly compared with other tenures. With 8.4% of privately rented houses containing damp in at least one room, this sector is almost twice as likely to be damp than a social-rented home (5%), and three times as likely as an owner-occupied home (2.8%). Furthermore, the most recent headline survey shows that privately rented houses are also almost twice as likely as social rented houses to have problems with condensation or mould, and are more than three times as likely to have problems with rising damp or penetrating damp - problems related specifically to the structure of the property, and therefore the landlord's responsibility.<sup>21</sup>

Health problems caused by rising or penetrating damp can be avoided by the landlord fulfilling their responsibilities to maintain the property and repair faults when they occur. This, however, is yet another area where privately rented housing falls short. Despite the interventions of advice services locally such as Citizens Advice Salford and lobbying nationally by Citizens Advice and Shelter the restrictions in legal aid to challenging landlords and cuts in local authority staff to enforce housing improvements means private sector tenants have little legal protection.<sup>22 23</sup>

Salford City Council have paid particular attention to one reason for failure, “thermal comfort”; one in eight privately rented houses are at risk of being too cold and the local authority have produced a number of responses to this problem including the Warm Salford campaign.

## Warm homes and affordable warmth

**“My boiler broke last Monday which I reported Tuesday. Someone come out on Wednesday and condemned it...I have had no heating and hot water for 8 days, I have a 2 year old and an 8 year old child...Please help it's freezing.”**

If a heating system is broken or inadequate, or the house is poorly insulated and the heat escapes, the house will be colder than it should be. If the temperature falls below 19°C, there is an increased risk of heart attack, stroke, influenza, pneumonia or bronchitis, particularly among older people in winter.<sup>24</sup>

Cold houses are identified through the government's Standard Assessment Procedure (SAP) that assigns a score for energy efficiency from 1 (worst) to 100 (best), putting a property into a band from A (best) to G (worst). Houses with a grade of F or G are considered to be most at risk of being cold, and in these bands private rented housing is overrepresented: 28% of inefficient houses are privately rented, despite private rented housing making up only 19% of the total stock. (In contrast, social housing was underrepresented: only 4.4% of inefficient houses were socially rented, despite accounting for almost the same proportion of the housing stock as the private rented sector.)

**Client lives in the property with his wife who is pregnant and who suffers from diabetes and anaemia. They have 3 children. He and his wife claim income related benefits. For 6-7 months they have had problems with no heating or hot water and gas leaks.**

One reason for this is that one in three private rented houses was built before 1919<sup>25</sup> and are therefore likely to have

solid walls with no cavity insulation. Private rented apartments are also more likely to be in converted houses that also were built before 1919, poorly insulated and difficult to improve.<sup>26</sup>

In response to this problem, Salford City Council have an Affordable Warmth Strategy,<sup>27</sup> complete with action plan that included targets for improving private rented housing via events, articles and door-to-door canvassing. From 2009/10 to 2012/13 Salford Council stated it had worked in partnership to install 9,434 basic insulation measures and boilers and using data collected by DECC for 2011, Salford declared that it now had the lowest levels of fuel poverty in Greater Manchester.<sup>28</sup>

### **Repairs and maintenance**

Buying a property to let is expensive and, as many social tenants who exercised their Right to Buy discovered, ongoing costs for repairs and maintenance can be considerable. If these costs are not budgeted for, money may not be there for the upkeep of the property.

**“There have been numerous leaks...all have which have resulted in the ceiling coming through in the kitchen and there is now a large hole there. Debris is also coming through it which is affecting the client's health. The client has been in touch with the letting agency who've told them the landlord can't afford to fix it.”**

As a result, according to the EHS more than one privately rented house in six is in a state of “substantial” disrepair, compared with fewer than one in ten social rented houses. In Salford almost 21% of privately rented properties in 2014 were said to substandard. Because disrepair is higher in the average privately rented house, the repair costs are £19 per sqm compared with £14 for local authority housing and £11 for housing association property - costs which may be beyond the landlord’s means.

## Quality of Service

Letting a property is a complex business and landlords are busy people - many have other jobs or sources of income on top of their property obligations. Although the market for prices may be largely unregulated, there are rules, regulations, rights and responsibilities that apply to both landlords and tenants, and these change almost on annual basis. Keeping up to date with current legislation requires an investment of time and money, both of which increase the cost of being a landlord. (It can be just as hard for a tenant to keep up to date on their rights - keeping them informed is a whole other problem.)

**“We’re a not-for-profit charitable organisation who put our customers at the heart of everything we do, from investing in our homes and communities, to how we go about providing our services.”**  
*Salix Homes website*

**“Our aim is to help you live as independently and happily as possible... to put customers at the heart of everything we do.”**  
*City West Housing Trust website*

**“over 85 per cent of [private] landlords don’t want to deal directly with tenants and almost 90 per cent are unhappy about tenants calling or emailing them directly with problems”**  
*PropertyLetByUs survey<sup>29</sup>*

Dealing with tenants can also be troublesome, and landlords who let to tenants who have spent a long time in social housing may find that expectations are high.

A simple solution for the private landlord who wants a reliable income with minimal fuss is to outsource many of their professional responsibilities to a third party. Unsurprisingly, buying out of your obligations as a landlord comes at a cost. What may come as a surprise, however, is how much of this cost falls on the tenant and how little they get in return.

## Letting Agents

A recent survey, commissioned by PropertyLetByUs (a letting agent), proudly informed its readers that most landlords “don’t want to deal directly with tenants” - hardly a customer-centred approach to property management. As a result, 50-60% of landlords<sup>30</sup> delegate the management of their property - and their tenants

- to a letting agent, for which the agent charges a percentage of the gross rental income. However, as highlighted in a Citizens Advice report, "Let Down",<sup>31</sup> letting agents also charge high fees to prospective tenants. To see exactly what benefits the tenants get for these fees we surveyed the websites of Salford letting agents, looking for a selection of keywords. The results were not encouraging.

For example:

- Letting agents are required to be a member of one of the three property redress schemes to which tenants can appeal if they are unhappy with the service they have received, yet only half of letting agents operating in Salford mentioned (in words) any of the three schemes on their website, potentially leaving tenants at a disadvantage;
- Letting agents - and landlords in general - are also supposed to ensure a tenant's deposit is protected so that it cannot be used for unintended purposes, yet one in three agents in our survey did not mention (in words) deposit protection on their website;
- The residential property sector is awash with professional bodies who promote good practice, yet only half of the agents in our survey mentioned (in words) any one of the many professional bodies that promote good practice in the sector.

It would seem that, despite the high fees they pay, many tenants are unlikely to benefit from the involvement of a letting agent in the management of their property.

Not all tenants, however, need to deal

with letting agents to secure a home. But for those who rent directly from the landlord, how can they be sure that they will receive a professional service?

**"Client has paid a fee of £270.00 to [letting agent]... and they are not refunding the fees or allowing [the client] to rent the property without a guarantor."**

**"The company I was renting my house with... has gone bankrupt and the [Deposit Protection Scheme] have told me it is my responsibility to get into contact with the landlord in order to get them to release my deposit back to me... I have no idea who the landlord is"**

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### **Voluntary Schemes**

For the million or more landlords who choose not to sacrifice around 15% of their rental income in agency fees, there are a number of schemes that exist to promote good practice in the private rented sector and help landlords to manage their own properties. For tenants to get the benefits of these schemes, however, their landlord needs first to sign up.

The largest organisation for landlords, the National Landlords' Association, boasts of over 65,000 members and associates<sup>32</sup> yet this corresponds to around 3% of all landlords at best. Another national organisation, the

Residential Landlords' Association, represents over 20,000 landlords - around 1% of all landlords.<sup>33</sup>

**“we represent 20,000+ landlords with a combined portfolio of more than quarter of a million properties.”**  
***RLA website***

Locally, Salford City Council runs a voluntary accreditation scheme whereby landlords can sign an agreement stating that they will abide by standards of good practice in return for access to facilities - such as rental bond insurance - provided by the council only to accredited landlords. According to their website, *“the scheme...attracted over 700 members with 3,000 properties,”* again suggesting that - with an estimated 13,500 landlords in Salford<sup>34</sup> - it captures only a small percentage of the potential market.

We might estimate that 90% of the million or so landlords who do not employ a letting agent are not members of any voluntary scheme that promotes good practice. That is around 900,000 landlords across the UK relying on “common sense” to inform their rights and responsibilities. The fact that legislation exists, however, suggests that “common sense” is not as common as we might like.

You can lead a horse to water but you can't make it drink, as the saying goes, and landlords who do not uphold professional standards freely may be made to do so forcibly.

## **Selective Licensing**

Rather than politely asking landlords to provide housing of an acceptable standard, selective licensing demands that all landlords in a given area buy a permit without which they cannot let their property. This enables the local authority to keep track of which houses are privately rented and inspect them regularly to ensure they meet a decent standard. In theory, this should increase local demand for privately rented housing by improving social and economic conditions, and reduce antisocial behaviour by requiring landlords to take greater responsibility for the actions of their tenants.

The key phrase here is, of course, “in theory”. Salford runs a selective licensing scheme in four parts of the city - Seedley Village; Barton and Eccles; Charlestown and Kersal; and Langworthy, Weaste and Seedley - and Broughton (which was licensed from Nov 2009-14) is currently under consultation for renewal. But does it work?

Government guidance<sup>35</sup> is clear on the conditions required to justify selective licensing and the steps required to get confirmation for the scheme from the Secretary of State. In particular, the local authority must collect evidence of the need to introduce the scheme, include this evidence as part of a widely published consultation, and make the results of the consultation available to the local community. In contrast, almost nothing is said about what evidence should be used to assess whether the introduction of licensing was a success, and there is no requirement for the local authority to publish it. In fact, the guidance goes so far as to say that “if in the initial phase there has been little

improvement in an area, this does not necessarily mean that a designation is a failure.”

Without evidence of success, it is difficult to defend the scheme against common criticisms:<sup>36 37</sup> that licensed landlords may pass on the cost of the licence (around £600 per year) to their tenants by raising the rent; that selective licensing can have unintended consequences on mortgage lending in the area; or that unscrupulous landlords simply will not declare that they are renting their property and continue to operate ‘under the radar’, for example. Licensing whether selective or wholesale will also only be effective if it’s administration and enforcement is resourced which in a period of year on year budget cuts is not likely.

Licensing though in itself can certainly benefit tenants who have the right to protection from the Section 21 no fault possession procedure if the property is required to be licenced (mandatory or selective) and the landlord hasn’t complied - so licensing also helps prevent unnecessary evictions.

Compulsory licensing for all private sector landlords might be more effective, though again will require funding. Such a system follows the logic applied to services as diverse as restaurants and taxi drivers that certain services provided in a local authority area should be subject to stringent compulsory licensing as part of consumer protection for local residents. This is the case in Scotland and is being introduced in Wales and is called for in the study by Citizens Advice and the New Policy Institute – entitled Paying A High Price For A Faulty Product. This report calculates that more than 700,000 tenants in the private rented sector

are living in homes that fail to meet basic minimum standards and argues for a form of compulsory licensing that begin to meet the challenge of putting this right.<sup>38</sup> Newham Council introduced this scheme in 2013 with the following outputs reported<sup>39</sup>

- 36,000 licences issued.
- £11m of property licensing income.
- 779 prosecutions against landlords – largely for failing to licence and housing conditions.
- 338 simple cautions issued for technical offences.
- 28 landlords refused licences as they have been found not to be “fit and proper”.
- 326 multi agency operations with the police and other enforcers.
- 14,000 warning letters sent to landlords.
- 2800 licence audit checks
- 125 Rent Repayment Order cases for HB repayment.
- £1,157,735 additional council tax collected through targeting HMOs.

Dealing with problems such as disrepair, damp, mould, cold and unresponsive or neglectful landlords is bad enough when trying to provide a home for yourself and your family, but it is far from the only problem you might face as a renter. In the private rented sector, your home may not be your home for as long as you think.



# Security

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**“Client received a letter and text messages stating that if he doesn’t move out his rent will increase from £500 a month to £600 a month. Client was also told if he does not comply the landlord will change the locks and remove all the client’s property.”**

**“[The client has] been told if they don’t move out [in two weeks] the locks will be changed when they are out.”**

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Moving house can be disruptive and inconvenient, not to mention expensive. Your children may need to move school, interrupting their education and breaking up their network of friends. You may need to find a new job or face a long commute from your new address. Your own social, support and community networks may also be disrupted. Making the decision to move house is, therefore, a big one.

But what if it wasn’t your decision? What if your landlord had decided they want their house back, even though you have done nothing wrong? Too often renters find themselves in this situation, where they are forced to look for a new home with only a couple of months’ notice, and private renters are the most vulnerable of all.

## **Changes to tenancies in social housing**

Tenants in local authority (council) housing used to be given a secure (i.e. lifelong) tenancy that could, under certain circumstances, be passed to a spouse or children so that the family home remained in the family, even though it wasn’t owned by the family, if certain criteria were met. The changes in the Housing and Planning Act 2016 will inevitably lessen this security and along with moving better-off tenants

out of social housing altogether, push a significant cohort of social renters into the private rented sector where they will be given an assured shorthold tenancy of six or 12 months.

In fact, most council properties in Salford have already been transferred to housing associations and the tenancy agreements have already been changed from a secure tenancy to an assured (non-shorthold) one. We will not fully understand the consequences of this change for another four years when tenants find themselves undergoing a review, many for the first time. We do expect, however, that the possibility of eviction is likely to cause anxiety for tenants and particularly tenants who are vulnerable.

It is likely that the most financially stable tenants will be those targeted for ‘moving out’ into the private sector, such as via the ‘Pay To Stay’ initiative where better off social renters will have to pay higher rents.

This continuing erosion of renters’ rights puts power into the hands of landlords, and private landlords in particular since they will be expected to take in tenants who are told they are no longer welcome in social housing. But will private landlords want to take on this responsibility?

## **Reduced investment in Buy To Let (BTL) properties and tenant insecurity**

Until very recently, Buy To Let investment seemed to offer an unrivalled opportunity for 'unearned' wealth. In the most recent ONS Wealth and Assets Survey<sup>40</sup> 28% of people who responded said they thought property was the "safest" way to save for retirement, and 44% thought that property would "make the most" of their money. It seemed a safe assumption that increasing demand for private rented housing would lead to prospective landlords buying up properties to let, increasing supply accordingly. With changes to tax relief, stamp duty and allowances for wear-and-tear, however, property is starting to look less profitable than it once did, and we can expect landlords to respond in unhelpful ways.

One possible response to this shift in supply and demand would be that landlords increase rents, putting further pressure on tenants: if the existing tenant does not agree to pay the higher rent the landlord might evict them, knowing that another tenant who will agree to the higher rent can be found quickly. The use of 'no fault' section 21 eviction is increasingly seen as a route to evicting tenants who simply can not afford an increased rent.

Another consequence might be that landlords downsize their portfolios in search of other investments. In order to sell a tenanted property, however, it is usually necessary either to sell to another BTL landlord (which will be difficult if other landlords are also reducing their portfolios) or to encourage the tenant to move out. Historically, policies that reduced the profitability of privately letting

property - during periods of rent control and regulation in the 1960s and 1970s, for example - often led to the displacement of tenants by one of two means: paying them to leave (known as "winkling") or outright harassment by the landlord.

## **Section 21 eviction**

A recent change to the law now makes it more difficult for landlords to evict tenants who make a complaint about their home. The Deregulation Act 2015 set out a procedure that, if followed by the tenant, would make any Section 21 notice (to evict a tenant without fault) invalid.<sup>41</sup> Also under this Act, where a local authority has required a property to be licensed and the landlord has failed to comply with the licensing, then a s21 notice will not be valid. Although we welcome this change that gives new protections to tenants, we have three concerns about their effectiveness and impact.

First, the fact that 'revenge evictions' were so widespread that they had to be specifically outlawed is a damning reflection on the private rented sector and the quality of some of the landlords in it. Second, tenants need to be aware of their new rights and procedures, and getting this information to them can be hard; those who will benefit most from the change will, almost by definition, not get it from their landlord. Third, the protections apply only in cases where the property actually poses a risk of harm to the tenant; they can still be evicted in retaliation for complaining about disrepair that falls short of being dangerous. Of course, the effectiveness of the provisions depend on a council promptly inspecting the property and issuing an improvement notice. This requires a well resourced local authority enforcement team

and even then a landlord can still make the provisions ineffective by speedy issuing of notice to a tenant, as a landlord could in theory issue notice and obtain a possession order in about 2 to 3 months - potentially before an improvement notice can be issued. There is a role for government in ensuring that adequate support for these local functions is maintained and protected, especially during times of reduced resources.

So far, we have seen evidence that private rented housing is not only of lower quality than social housing as measured by many different yardsticks, but that you are also at greater risk of eviction from your home when renting from the private sector.

Proponents of private renting argue that short-term contracts are more flexible, though its critics say this flexibility works mostly to the landlord's benefit. One argument, however, that can be made about PRS housing is that you can move into a property quickly, unlike social housing where you can be on a waiting list for years before moving into a house (which critics argue would be less of a problem if more social housing were being built).

# Affordability

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**“[The clients] have paid a total of £4245.00 in fees, deposit and 6 months rent”**

**“Client moved into her private rental...£600 deposit paid £600 months rent in advance and £100 referencing fee and has been refused a tenancy agreement by the landlord.”**

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Under theoretical market conditions, you as a consumer are able to choose an option that best matches your priorities by trading price (what you pay) for value (what you get). Having the option to substitute a high-quality, high-price product with a lower-quality, lower-price product (or a different product altogether) is a fundamental principle of the free market, everywhere, that is, except the rented housing market.

Comparing social rented housing with private rented housing - as we have done in the previous two sections - it seems clear that social housing is more likely to offer better conditions, comfort, service and security. Yet - as we will see in this section - this higher quality costs *less* than private rented housing in a comparable marketplace. For many people therefore, private renting would not be their preferred choice of tenure unless their income allowed them to choose from higher cost properties.

What is more, problems paying for private rented housing exist not only with deposits, monthly rent, and ongoing costs such as utility bills; unlike social housing, in the private sector money starts changing hands before you even seen a contract.

## Finding a home

Finding privately rented accommodation these days often involves dealing with a letting agent and although there are benefits in doing so, they don't come cheap. (And remember, the landlord - not the tenant - is the letting agent's paying customer; agents are effectively double-charging.)

The follow-up study to the aforementioned Citizens Advice 2009 campaign "Let Down" was the 2015 report, "Still Let Down." This indicated that little had improved in the previous six years.<sup>42</sup> Although some progress had been made in protecting tenants' deposits, fees remained high and often arbitrary, and tenant satisfaction remained low. Fees charged to the tenant totalled £337 on average but could be as high as £700, including fees of up to £300 for a reference check or credit check, which are required every time you move (and private renters move much more often than social renters or home owners<sup>43</sup>). Some agents will even charge £300 to renew an existing tenancy - £300 *not* to move! Such charges are unthinkable in social housing.

**“Client has joined a private rental agency in Manchester...signed the agreement and paid £252 admin/reservation fee...**

**[The letting agent] asked for 6 months rent in advance which [the client] is unable to pay and are refusing to refund his money”**

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As a final note, tenants who are on low incomes and in receipt of housing benefit can find themselves excluded from the private rented sector altogether; one survey in “Still Let Down” found that around one letting agent in four would not accommodate a tenant on housing benefit, which does not bode well for many of the social housing tenants who will be pushed into private rented housing. Worse still, this social exclusion may become even more widespread after the transition to Universal Credit where it is more likely that the housing element of the benefit will be paid to the tenant rather than the landlord (although this can happen now, this process will be more commonplace), making it easier for people to fall into rent arrears, increasing risk and administration costs for the managing agent (who might also pass the costs on to the tenant).

Unreasonable fees charged by letting agents can be avoided by renting a property directly from a landlord, though this gives up the benefits of dealing with a high-street company and makes it harder to find a home in the first place. The next hurdle to clear

in renting privately, however, is one that almost every landlord demands.

## **Raising a deposit**

For tenants renting privately for the first time (those who have been ‘moved on’ from social housing, for example) the up-front cost of raising a deposit can be beyond their means: according to one study, half of all social tenants have less than £100 in savings.<sup>44</sup> For those lucky enough to be able to raise a deposit, the least they expect is to get the deposit back when they leave the house in its original condition, (of course the need for this is more urgent when a further deposit will be needed to secure a new property). Even receiving this, however, is not guaranteed.

## **Deposit Protection**

By law, a tenancy deposit should be held in a protection scheme. There are 3 schemes, one is custodial - the landlord pays the money to the deposit protection scheme. The other 2 are insurance based - the landlord can do whatever he likes with the money but he has to register the deposit with the scheme. Problems occur with both retrieving deposits and even being advised of them in the first instance. Shelter found in a report of 2012 that 57% of private renters were not aware of the schemes when their tenancy began, creating little incentive for landlords to comply with the law.<sup>45</sup>

In 2014-2015 Citizens Advice Salford advised over 100 people about problems they had with their tenancy deposits.

**“Property was managed via [a letting agent] but the deposit was paid direct to landlord...Client has been trying to get her deposit back the landlord refused.”**

**“[The client is] about to move into new accommodation...paid £550 deposit...now changed plans because of illness of father...Have asked for return of deposit but with no success – have been told that this money has been used to buy new beds and furniture.”**

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## **Salford Bond Scheme**

Because raising a deposit for private rented housing can be hard, Salford City Council offer a Bond Scheme whereby they provide a form of insurance against which a landlord can claim retrospectively instead of requiring a tenancy deposit in advance. Landlords must, however, be accredited to be able to access the facility, and tenants must apply for the bond before they agree to take on the tenancy. This limits uptake of the scheme because only a small proportion (probably less than 10%) of landlords in the city are accredited, and the onus is on them to tell prospective tenants of the scheme or contact the council themselves to make arrangements. It is therefore difficult to assess whether the scheme is achieving its objectives. In 2014/15, 131 bonds were issued, and 130 were

issued in 2013/14. For comparison, Citizens Advice Salford direct an average of 177 clients to the bond scheme every year.

Assuming you are able to cover the up-front agent's fees and raise a deposit - which is far from a safe assumption - you must be able to pay the rent if you are to keep a roof over your head.

## **Paying the Monthly Rent**

As documented widely in the popular press, average house prices have followed a relentless, upward march over the last decade or more, dragging with them both mortgages and the rents that finance them when the house is let to a tenant.

Over the period from June 2011 to March 2015, for example, median rents in Salford increased by 15%<sup>46</sup> while prices (as measured by CPI) increased by only 6.7%<sup>47</sup> and pay in the North West by only 6.4%.<sup>48</sup> People are therefore spending a greater proportion of their income on housing than they were before: renting is becoming unaffordable, and particularly for private renters who, on average, spend 43% of their gross income on housing costs (excluding bills, taxes etc).<sup>49</sup>

Worse still, further increases in average rent are likely in the coming years. Landlords, for example, are likely to try to maintain profit margins in the face of higher costs such as reduced tax relief, removal of the wear-and-tear allowance, higher stamp duty, or ongoing costs for selective licensing.

Salford is faced with a shortage of good quality affordable homes. Homelessness and overcrowding

remain ongoing challenges and rising housing costs are also hitting working households on low and middle incomes

In Salford, rapid development in central wards such as Irwell Riverside, Ordsall and Broughton will raise average property prices and rents, while obligations to build affordable housing will be balanced with the needs of the developers themselves. We think this is a flaw in the operation of the national planning and development regime. Despite regulations designed to afford (limited) protection for tenants against rent increases, (including use of tribunals to set a market rent) general insecurity of tenure means that a landlord can commence legal proceedings to end a tenancy if a tenant is unable to afford the rent increase.

**“Last year the client’s rent was increased from £450 a month to £495. Rent had never gone up before then. Now letting agency have written to client informing him when tenancy is renewed...the rent will increase to £595.”**

Although unaffordability can affect all private renters, those on low incomes are especially vulnerable and rely on additional help from the state - in the form of the Local Housing Allowance - to maintain a roof over their heads. But even this lifeline is under attack.

## **Local Housing Allowance (LHA) spending**

The Local Housing Allowance is the rate at which housing benefit is paid in the private rented sector. The rate is calculated by the rent officer first identifying a local area, known as a broad rental market area and then calculating a LHA figure for each category of differently-sized property. Increases in rent should therefore result in a proportionate increase in LHA, but also a proportionate increase in any shortfall that lands on the tenant’s shoulders. It should also be noted that in the Summer Budget 2015 LHA rates were frozen for four years (from April 2016). LHA rates will therefore either remain at the April 2015 rate or be set at the lowest 30th percentile of market rents, whichever is lower.

Public money - rather than being spent on public housing - has been spent subsidising rent for PRS tenants for many years (and therefore the mortgages of their landlords). Between November 2008 and January 2015, the number of privately renting claimants in Salford rose by 74% from 4,050 to 7,036 whereas the number of social tenants claiming Housing Benefit barely changed from 20,722 to 20,742.<sup>50</sup>

This trend - and proposed policies for pushing social renters into the private sector are likely to fuel similar trends - leave not only the tenant’s rent at the mercy of the free market but the government’s social security bill, too. In response, new measures to reduce expenditure have been introduced, such as a cut in the maximum rent paid for by Housing Benefit from the 50th to the 30th percentile of local market rents. It was hoped rents would be pushed down in response

(because of a theorised reduction in the supply of renters who could afford higher rents) but early evidence suggests this did not happen and renters on low incomes were left to bear the full brunt of the cut.<sup>51</sup> Other cuts or the complete withdrawal of support for young people have also been under consideration for some time.<sup>52</sup>

Housing is rapidly becoming unaffordable for renters, and government help is being withdrawn at the same time. Housing cannot, however, be easily substituted or foregone; everybody needs somewhere to live. Increasingly unaffordable costs must therefore be met by making sacrifices elsewhere - perhaps by resorting to charity (see the recent resurgence in food banks across the country) or by delaying other payments and falling into arrears (council tax is a “popular” choice with serious consequences) - and one option seems to have a particularly strong connection to the private rented sector.

## **Heating is not cheating**

Earlier we saw that private rented housing is more likely than other tenures to be badly insulated and fitted with an inefficient heating system. This makes it expensive to maintain a comfortable temperature, such that tenants might resort to living in a cold home - and risk ill health - to save money. Tenants in this situation, where heating costs place a significant strain on their budget, are said to be in “fuel poverty”.

More specifically, the Department for Energy and Climate Change (DECC) release annual fuel poverty figures<sup>53</sup> in which they broadly define

households in fuel poverty to be those whose disposable income is below the poverty line as a result of paying higher than average fuel costs.

These two characteristics, and therefore the risk of being “fuel poor”, have strong relationships to tenure: social housing tenants tend to have lower incomes but are protected from fuel poverty by energy efficient building standards in social housing; owner-occupiers tend to live in older, less efficient houses but are protected from fuel poverty by their higher incomes; private renters, however, tend to endure the worst of both worlds - living in inefficient houses but without high incomes (and paying more in direct housing costs) which puts them at greatest risk of fuel poverty.

As a result, although it is estimated that around one household in ten is in fuel poverty - a level reflected locally within Salford - almost one in five privately renting households are in fuel poverty. You are twice as likely to be fuel poor if you are renting in the private sector than you are renting from a social landlord or owning your own home, so despite the successes of Salford’s Affordable Warmth Strategy a private sector tenant is likely to be paying higher rent than their social housing counterpart, paying more for fuel and living in a poorly maintained property.



# Conclusion

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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 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.

## 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.

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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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