

Richard Blanco:

Hello, and welcome to Listen Up Landlords with me, Richard Blanco and Ben Beadle. There is growing concern at the number of children that have been killed in blind cord accidents. This is where a child gets tangled up in the cords that hang down from blinds. Tragically, since 1999, at least 35 children have died. New safety measures were introduced by manufacturers in 2014, but many older blinds are still in use. They are one of many potential hazards such as ponds, falls, fire, damp and mould. We talked to two experts about accident prevention measures that landlords can take to help keep tenants safe. We will be hearing from NRLA advice line worker, Dan Cumming on some of the latest issues that you've been calling up about. But first, NRLA research has recently revealed that 60% of landlords have lost rental income during the pandemic. The NRLA has been working hard to try and get government to come up with support for tenants and landlords who find themselves in this situation, Ben, haven't they?

Ben Beadle:

We have indeed, Richard, and I think it's really, really important that as emergency measures lift, greater support is given to renters to be able to meet their obligations. Nobody wants an eviction, but the reality is that if there aren't financial measures put in place, then there will be some, even if the courts are slow to grind into gear. We have pushed the case consistently for interest-free loans to tenants, over a long period of time, to try and help sustain tenancies, and that's supplemented with grants for those that are on benefits, in addition to other welfare suggestions that we've made. We're in regular dialogue with the relevant ministries and Treasury, so we'll see what happens.

Richard Blanco:

We're talking quite substantial sums aren't we Ben? 25% say they've lost more than £5,000. It's a big deal for quite a lot of landlords.

Ben Beadle:

It is. Arrears aren't a new thing as you well know, Richard. But the pandemic has presented really unprecedented circumstances where even those renters that have been furloughed, are receiving 80% of potentially not very much as a base start point. This is about, and we've been very clear with other organisations across the sector, that there does need to be a package to support the sector. Because if there's one thing that renters and landlords agree on, it's the need to sustain tenancies and keep people in their homes. We don't pretend that this is support that needs to go on forever, but a short, sharp injection of cash to sustain homes at a fraction of the cost of Eat Out to Help Out, we think is the way to go.

Richard Blanco:

Let's talk to a landlord, Elena, who has had her own personal experience of arrears. Elena's tenant stopped paying rent back in March 2020, and then Elena herself fell into further financial difficulties when she lost her job a month later. Elena, thank you very much for joining us today. How have you tried to engage with your tenants, Elena, and what has been their response?

Elena:

Hello. Thank you for having me. I tried to engage with the tenants in all the usual ways, calling them, emailing them, sending a message. They weren't very interested in having a conversation. They were clear from the beginning that it's a rent holiday. It's pandemic. That's it.

Richard Blanco:

Gosh, they'd misunderstood that announcement, that landlords could get mortgage holidays and they thought they could get rent holidays. Because there was quite a lot of confusion about that at the beginning of the first lockdown wasn't there? I remember it myself.

Elena:

Yes, exactly. I tried to help them and point them in the right direction. And I encouraged them to speak to the Citizens Advice Bureau and Shelter, so that they could understand what that holiday means. I also took a so-called holiday, but I still have my mortgages. I have two, one where I live and then one for buy-to-let. Both mortgages have increased after the period of the holiday. I accrued all the interest. But they weren't interested. It was all falling on deaf ears if I'm honest.

Richard Blanco:

You lost your job in April 2020, just a month later. Were you eligible for Universal Credit or any other support?

Elena:

I was not eligible for Universal Credit because I have one buy-to-let. And I was not eligible for the self-employed because I only had the property for a year, you had to have two years of taxes. There were a few of the self-employed grants, but I wasn't eligible for the next one either because my income from my salary, before the pandemic, was higher than the rent so I wasn't eligible for anything.

Richard Blanco:

What help could you get, Elena?

Elena:

For six months, I got Jobseeker's Allowance, which is £74 a week.

Richard Blanco:

Okay. That safety net you can get for six months without your income having to be assessed. That's right, isn't it.

Elena:

Yes, exactly.

Richard Blanco:

I see. Now the courts closed in the first lockdown and we've seen extended notice periods and restrictions on evictions. How have these affected you Elena?

Elena:

First you have to wait for two months in order to give a notice. Then at that time, the notice period was three months, so then I gave a notice for three months, that's already five months. Then I waited for a court hearing for another five months. Then the tenants were given 45 days to move out. That's another month and a half. After that they didn't move out and there is a clause where, if the tenants owe six months or more, the eviction can go ahead. But it's not automatic, so you have to apply again to court to wait for it to be certified, although at the time of the hearing, it was already nine months rent arrears. I waited again for it to come back and just a week or 10 days ago that came through.

Ben Beadle:

That must have come as a great relief for you, Elena. Perhaps you can tell me how you feel that landlords have been treated in the past 12 months. What would you have changed?

Elena:

I feel I was fed to the wolves. I'm single and I've lost my job. The people who live in the rented property, there are four people, and apart from one of them who is 17, they're all adults and able to work. The neighbours are absolutely adamant that they all work, but there is not much I can do. This is the first time in my 20 year career where I needed support from the Government. I've always worked. I've paid my taxes for 20 years. That's the first time I've been out of job. But not only I really didn't get anything, I was forced into providing a free home for a family of four people who didn't even have a courtesy to return my calls.

Ben Beadle:

No, I can imagine that's desperately annoying. Fingers crossed that you manage to get possession after what's been a very long time and no doubt, the NRLA will be able to support you going forward in whatever choices you choose to make.

Richard Blanco:

Thank you, Elena, for telling us about your story. A new scheme launches on the 4th May to help tenants and others manage their debts. It's called Breathing Spaces. Ben, tell us a bit about the scheme. How does it work?

Ben Beadle:

It's an interesting development that has come about. It offers people the time to find the solution to their debts and the standard arrangements last for 60 days, and they're allowed once in a year. There will be views on both sides of the fence as to whether this is a good or a bad thing. But as we've heard from Elena, tenants often go to ground when there is an issue, rather than resolving it. It may well prove to be quite positive from the point of view of identifying a tenant that is prepared to enter into a meaningful discussion about paying their rent.

Richard Blanco:

Yes. It was primarily intended to temporarily stop larger lenders from pursuing action, but landlords will also have to pause any enforcement action too. Won't they, Ben?

Ben Beadle:

That's right. Most of the issues when it comes to debt, as we heard about earlier, are things that with dialogue, can be resolved.

Richard Blanco:

Yes. The guidance actually says that tenants must continue to pay rent and the landlord can also contact the advisor if they have concerns or want some sort of review to be carried out. We should also mention that there are mental health breathing spaces too, but that's generally where people have quite a serious mental health condition.

Ben Beadle:

Indeed. Andy Shaw works for the charity StepChange, which is one of the organisations that will be empowered to authorise breathing spaces for people with debt issues. Andy, welcome and thank you for joining us. Tell us a little bit, if you wouldn't mind, how has demand for debt advice evolved in the past 12 months?

Andy Shaw:

The pandemic has had quite an interesting impact on people's personal finances. We know that an awful lot of people have been affected by things like furlough and more widespread job losses. But they're also being helped out by their lenders in terms of additional forbearance options to help them manage their payments. And in some cases, payment holidays or payment deferrals, as Elena was talking about a little bit earlier on with her own mortgage. We know that this support is out there. We know that people are struggling financially, but the immediate demand for debt advice is not quite there. In debt advice at the moment, it's a bit of a waiting game to understand what the full impacts of the pandemic are going to be, and how that's going to impact people going forward.

Ben Beadle:

Interesting. And tell us, have you seen an influx of cases that concern rent arrears in the past 12 months?

Andy Shaw:

Rent arrears and other, what we term as priority debts, have been on the increase for a number of years and the pandemic has accelerated that trend.

Ben Beadle:

Yes.

Andy Shaw:

It's not something that we were completely unfamiliar with previously, but it's certainly something that we're starting to see more and more of.

Ben Beadle:

Interesting.

Ben Beadle:

And perhaps you could tell us a little bit about how the Breathing Space scheme has come about.

Andy Shaw:

The Breathing Space scheme is something that StepChange and other debt advice organisations have been campaigning on for a number of years. We recognise that people generally wait for too long before they get debt help. On average, our clients wait for more than 12 months of financial difficulty before they contact us. We wanted to do something that would incentivise people to get help earlier. The idea of the Breathing Space scheme is to encourage people to get help by letting them know that there is an option for them to actually stop all of that overwhelming contact from creditors, threats of enforcement action and so on, and give them a little bit of time to seek advice, to sort their finances out and to put a long-term plan in place for the future.

Ben Beadle:

From a tenant perspective, how do you think that might transcend into the sustainment of a tenancy or the flushing out of issues a bit earlier?

Andy Shaw:

If they're seeking debt advice, one of the conditions of Breathing Space is to continue working and making progress towards a debt solution. In that instance, the rent arrears would be discussed as part of that, therefore you're already getting to a stage where somebody is confronting the issue with the rent arrears, and they're putting a plan in place to deal with it. In that sense I think it's a positive for people with rent arrears because they are going to be taking steps to resolve it more quickly.

Richard Blanco:

Looking back at Elena's case, Andy, what might StepChange say to a tenant who's simply stopped paying their rent and is refusing to communicate with the landlord.

Andy Shaw:

The first advice is always going to be to communicate with your landlord because it's very similar to any other creditor. They can't help you if they don't know what the situation is. We can help to ease the path to that a little bit, by helping to put together a financial statement to understand what money they do have available, what they are able to pay towards their rent and their other commitments. And in certain cases where there are payment plans being set up, then we can actually take the lead on that. And we can effectively handle that dialogue between tenant and landlord. If somebody is not willing to speak to the landlord themselves, but they are in a position to make a payment arrangement, then we can include that as part of our plans and we can get in touch with the landlords.

Richard Blanco:

I'm wondering where rent arrears feature in the prioritisation of debts. Is it right that they are a priority in most cases?

Andy Shaw:

Yes, absolutely. We regard a priority as anything where the consequences of non-payment are that bit more serious. We all know that one of the consequences of not paying your rent is potentially losing your home. Maybe not quickly or easily, as Elena has unfortunately found out, but it is something that

we obviously regard as a very serious consequence. We would certainly be ranking that very high on the list of things that need to be dealt with as soon as possible.

Richard Blanco:

In terms of the Breathing Space scheme, landlords cannot discuss the debt with the tenant during the breathing space, but they can contact the advisor to appeal against it or indeed to propose a repayment plan. Can you just talk us through how that might work?

Andy Shaw:

Yes. The first thing to understand about Breathing Space is that it's not an end in itself. It is, as I mentioned earlier, a little bit of extra time to help the tenant in this case deal with their financial difficulties. It's going to be running alongside a longer term plan to deal with the debts, which may be a repayment plan of some sort. There can certainly be dialogue between the landlord and the debt advisor in terms of negotiating a repayment towards those arrears, that's perfectly fine during breathing space. The landlord, as with any other creditor, can object to breathing space if they think for some reason, the tenant is not eligible for the scheme, or if the breathing space would unfairly prejudice their interests. We don't really know what that means at the moment. It's likely that's going to need some case law behind it to define that more fully. But certainly if you're a landlord and you feel that this is really unfair on you, then there is that option open to you to challenge it in that way.

Richard Blanco:

And I believe the landlord has 20 days to do that. Interestingly, from what I've read, there are just three criteria. One of them is that it unfairly prejudices your interests, the others are the debtor does not meet at least one of the eligibility criteria for breathing space and the other is that the debtor has enough funds to repay their debts. It's going to be interesting to see how that pans out in practice. There's another slightly technical issue Andy, but I think it is one that's worrying landlords a bit. Where there's a joint tenancy, the landlord won't be allowed to pursue arrears if any one of the joint tenants has been granted a breathing space. Only one breathing space is permitted per year for individuals, but joint tenants could collude and each apply for a breathing space one after the other. Do you think there are enough checks and balances in the system to prevent abuse?

Andy Shaw:

I think one of those situations may well be an instance where you would say this is unfairly prejudicial to my interests as a landlord, because this is the same tenancy, and breathing space has been put into effect a number of times for what is effectively the same debt. We don't really know the extent of that unfair prejudice protection and what it will entail in practice. But I would say that's certainly somewhere where you might wish to test that. Those checks and balances aren't there. The prospect of creditors being able to object to breathing space, there is a mechanism for that. There are safeguards in there to prevent abuse and that was something the Government was very keen on when they were consulting on this scheme in the last year or two.

Richard Blanco:

And the NRLA is also suggesting that landlords might want to let the property room by room, because that could avoid that sort of situation arising. And there's nothing to stop landlords requesting repayment of debts from guarantors rather than the tenant themselves.

Ben Beadle:

Very good, fascinating discussion. Andy Shaw and Elena, thank you very much for joining us. It's time to get an update from the NRLA advice line on this month's hot topics. Catherine is away this month, so advisor Dan Cumming joins us. Welcome Dan.

Dan Cumming:

Hi Ben, nice to meet you.

Ben Beadle:

What sort of issues have you been dealing with since we spoke last with Catherine?

Dan Cumming:

This month we've had some of the usual things. Unfortunately the pandemic is still with us, so we've still got landlords asking for our help and advice in rent arrears cases. The 1st of April has passed so now the Electrical Inspection Condition Report, the legislation relating to that, and the existing tenancies are now caught by it. On a slightly lighter note we have had some nicer weather generally in the country so we've had a few questions about the gardens and maintenance and management of that.

Richard Blanco:

Yes, we're all eager to get out there in the garden, aren't we Dan?

Dan Cumming:

We are.

Richard Blanco:

Electrical safety checks became compulsory in all rental properties in England from the 1st of April. I hear you're getting a lot of calls from landlords who are having difficulties gaining access for these, and indeed other inspections like gas safety, or licensing. Is that right, Dan?

Dan Cumming:

We are still getting quite a few of those queries. The first place we would start when advising them on that kind of topic is, it's the tenant's right to decide who goes in and out of that property. It's called the right of quiet enjoyment, but it's about their ability to say landlord or agent is not coming in, or they are. That's going to create a lot of issues for landlords, where I would like to get in to do the gas safety inspection, the electrical safety inspection, whatever it may be. Some of those are legal obligations that the landlord could be penalised for not fulfilling. They want to get in and the tenant is just saying no, and that can be quite frustrating as you can imagine. In that situation, you've got to stick at it in a polite way, as best you can and make sure you've got your evidence.

Dan Cumming:

If you've emailed the tenant to say, I'd like to get in, then you've got your proof of that to come back to later on down the line to show you've been trying and that's sometimes all that you can really do. If the tenant is going to stick to that position that you're not getting in, then you might not change their mind, unfortunately,

Ben Beadle:

Sound advice, Dan, thanks for joining us. We look forward to another update next month.

Richard Blanco:

Ben, do you tend to put blinds up in your properties?

Ben Beadle:

I go for flowery curtains for the most part, but...

Richard Blanco:

You don't! Are you serious?

Richard Blanco:

You don't seem like a flowery curtain sort of man to me, Ben.

Ben Beadle:

Thank you for that ringing endorsement. But I do have a couple of properties with Venetian blinds that are a bit nicer than the flowery variety.

Richard Blanco:

I mentioned blinds earlier and I have a lot of Roman blinds, roller blinds, lots of different kinds of blinds. I've really been thinking about them since this topic has come up. We're going to talk about accident prevention now in the private rented sector. We're joined by two experts. We're going to talk first of all about the dangers of blinds cords with Andrew Chalk from the British Blind and Shutter Association. Andrew, thanks for joining us on Listen Up Landlords. Welcome.

Andrew Chalk:

Thank you. And thanks very much for the opportunity to talk to you.

Richard Blanco:

Great. It's an important topic and I wanted to ask you a straightforward question first of all. What dangers can blinds pose to children?

Andrew Chalk:

It's not necessarily all blinds, but some blinds have unrestrained, looped cords or chains. In particular chains. We see this on particularly roller blinds. You mentioned Roman blinds as well and Venetians. Those can have looped cords or chains and it's those that tend to be the most dangerous to young children because they can climb and gain access to those. That's really on old blinds because you mentioned right at the start of the programme that since 2014, all new blinds have to meet new safety standards. We're talking about blinds that are being installed prior to that.

Richard Blanco:

What are the ways that different styles of blinds can be made safe? As you say, there are lots of different types of blinds. Tell us a bit about that.

Andrew Chalk:

You're right. The first principle is that every blind style can be made safer. I use the word safer, as opposed to safe, because if you want an existing blind of pre-2014 to be made totally compliant with the new standard, that may not be possible in the way that it's constructed, but there is always a way to make it safer. In particular, this is to keep cords or chains out of the reach of children. Typically, there are two devices that we look at in retrofit situations. The first one is if you have a continuous chain or cord that is in a loop, is to tether that somehow. We call them chain tensioners in the trade. You can buy them from the trade, but you can buy them online as well.

Andrew Chalk:

These are fitted at the base of the chain, furthest away from the top of the blind, to keep that taut and out of reach. The second product, you mentioned Venetians, or banded. In that situation when you raise the blind, the blind goes up, but the cord gets longer. In that situation you need somewhere to store that cord and what you can use is a cleat. You can get these from hardware stores. Fitted 1.5 metres from the floor. Then when the blind is operated, the cord is wrapped round that in a figure of eight fashion out of harm's way. Romans, similarly corded or with a chain, you can do that the same way. Those are typically the two most popular measures for making existing blinds safer.

Richard Blanco:

I noticed as well, Andrew, I've just bought two roller blinds and it's a metal chain on the right and it's quite a lot shorter than they used to be. It's slightly annoying cause I have to reach quite high up to pull it. But I now fully understand that it's because that makes it safer, doesn't it? I wondered is this a particular problem in the private rented sector? I was looking at the stats and 34% of private rented properties have unsafe blinds in them. It's 36% in housing associations, interestingly and 26% in local authorities. What's your experience, Andrew? Is this more of a problem in the private rented sector? Importantly, what should landlords be doing to improve safety?

Andrew Chalk:

Data is sketchy and the facts you have there are, I think, from RoSPA. We now have a situation in England where there is a new body called the National Child Mortality Database and working with Ashley at RoSPA and others we've now created a questionnaire for any future incidents so that we can determine what the tenure of the property was. Whilst we don't have accurate data going backwards, I can tell you that 50% of the fatalities in the last two years were in private rental properties. There was four fatalities, two of them were in the private rented sector. In one of those, the Coroner wrote to the Secretary of State at MHCLG and questioned whether there should be a responsibility for landlords to inspect blinds.

Andrew Chalk:

Your second question was what can a landlord do? I think it is quite simple and that is to inspect the existing blinds, to check whether there are any cord loops, in particular chain loops, which tend to be on roller blinds and Roman blinds, and to see whether they are unrestrained. If so, do something about it. As I mentioned earlier, there are these devices that you can buy in terms of tensioning chains or putting cleats on there. Then our members at the British Blind and Shutter Association would come out and do inspections and retrofit. Alternatively if the landlord is concerned there are now, and have been for a number of years, inherently safe versions of every style of blind that don't have cords or chains, or have concealed or tensioned cords and chains, which remove any ligation risk. If you are buying new, my

clarion call is go for that first. Because not only is it safe for your tenants, but for you as a landlord, you've got no compliance issues at all.

Andrew Chalk:

You don't have to advise your tenants. You don't have to check. You don't have to be worried if they decorate and remove one of these safety devices, it's inherently safe to start with. That's the key thing. The other point I would raise is to speak to the tenants and advise them of this issue. As you mentioned earlier, you didn't really think about it until you'd heard about it. One of the benefits of us coming on here is that you can only do something about it if you know about it.

Richard Blanco:

Some landlords would say we're drowning in regulation at the moment, Andrew, but I'm wondering if you think that a change in the law is needed and how might it help?

Andrew Chalk:

I don't think there is a need to change, Richard. Blinds that are new, by law, have to comply with The General Product Safety Regulations. And landlords have a responsibility to let a property which is safe and free of hazard. I think we have the mechanisms there. What we need is education so people are aware of those responsibilities and then how to do it. On our website, [makeitsafe.org.uk](http://makeitsafe.org.uk). there is a downloadable document for landlords, which explains how they can make each type of blind safer. And there're videos on that site as well.

Ben Beadle:

Very good. I'm going to bring in Ashley Martin now. Ashley, you are the Public Health Officer at the Royal Society for the Prevention of Accidents. I wanted to ask you a bit about the broader issue of hazards in privately rented homes. Welcome to Listen Up Landlords. Tell me, there are many other hazards for children. I'm thinking of ponds or falls between levels and 36% of households in the PRS, house dependent children. What should landlords be thinking about, if they are renting to a family with children, to keep them safe?

Ashley Martin:

If renting to families with young children, they really need to take a very good look around the property to make sure that it is safe. There's a lot of things that they can be aware of. If the landlords are providing furnished properties, then they can also help by making sure that furniture is positioned away from where children could easily climb up to get caught within the blind cords. Whilst we're thinking about children climbing up to windows, having window restrictors that restrict the opening of upper floor windows is also a very useful and important safety addition.

Ben Beadle:

Ashley, what other types of potential accidents would you want to brief landlords on, given the audience?

Ashley Martin:

We'd like landlords to think about tripping hazards and things on the stairs, making sure that stairs are well lit and in good condition. What we would advise is landlords to go through each room and to do a

room by room check and try and see it from the position of whoever's going to be coming in and renting that property. RoSPA has some checklists on its website and there are also checklists that we can point landlords toward.

Ben Beadle:

The suggestion is almost a risk assessment on the property based on the tenants moving in, isn't it? You mentioned about furniture and positioning. Is this a wider concern in the private rented sector particularly, that furniture can fall and cause injury?

Ashley Martin:

There is a concern that furniture can fall and we are encouraging people to make sure that furniture, such as chests of drawers and bookcases are secured to the walls. That might be an issue for some landlords if they're concerned. In an unfurnished property, where people are bringing their own furniture in, obviously it's very much the tenant's responsibility.

Ben Beadle:

Indeed.

Ashley Martin:

But we would hope that landlords would recognise the importance of that and would be happy for their tenants to fix those types of furnishings to the wall, because that makes them much more secure. We've seen, very sadly, a number of instances, where chests of drawers have fallen on children and sadly caused injuries and, in some cases, death. We would like that to be something that landlords would encourage rather than place any restrictions upon.

Ben Beadle:

Indeed, Ashley, and I think most reasonable landlords, when the tenant requests that type of thing, would absolutely acquiesce to that suggestion.

Richard Blanco:

Andrew, I wanted to bring you back in. This issue of tenants installing their own blinds. We heard earlier on about tenants having quiet enjoyment of the property, and a tenant could install blinds without the landlord knowing. What should landlords do in these sorts of situations?

Andrew Chalk:

That's a challenge I was unaware of until I came onto your podcast, that you couldn't actually go into a tenanted property to carry out these really important tests. The first thing I would say is that when a landlord lets a property, is to encourage the tenants to buy the right products if there aren't already shading products in there. Secondly, when there are inspections done and granted, that the blinds become part of that inspection regime to make sure that they are compliant. Could I also add it also covers curtain cords. Where you have a corded curtain track, that's also something to consider. We've spoken a lot about blinds and that's the issue that we need to address, but the standards cover corded curtain tracks as well. Please include those in any tests and checks that you do.

Richard Blanco:

This transcript was exported on Apr 30, 2021 - view latest version [here](#).

Ashley Martin and Andrew Chalk, thank you for joining us. We've come to the end of the podcast.

Ben Beadle:

Listen Up Landlords comes to you from the National Residential Landlords Association. A reminder that you can find plenty of information on the topics we've covered today, and more, at [nrla.org.uk](http://nrla.org.uk).

Richard Blanco:

Don't forget to follow the NRLA on social media for the very latest on all things PRS. All that remains for us to say is thank you to our guests and to our producer, Sally Walmsley. Please do join us next month. And thank you for listening.