

Richard Blanco: Hello, and welcome to Listen Up Landlords with Ben Beadle and me, Richard Blanco. When was your last encounter with a pest controller? Do you have your own private contractor or call in the council? And how involved do you get when it comes to managing pest control issues, or do you consider it to be the tenant's responsibility? Well, from rodents to cockroaches and bed bugs to squirrels, we will explore best practise and get some top tips from the British Pest Control Association. Catherine Behdad join us from the NRLA advice line to bring us up to date on the latest topics zinging down those phone lines.

But first do you let to sharers? They could be students, young professionals or two couples, maybe, essentially living as one family unit. There are an estimated half a million HMOs in England and Wales. In this podcast, we're focusing on those let on one contract rather than by the room. How well is the sector accommodated by regulation and lenders? How do you feel about Article 4 planning regulations that prevent you from switching the lead property to families, then shares, and vice versa? And what are the management dilemmas and quirks of working in this sector? Now, Ben are your HMOs let by the room, or to a group of sharers?

Ben Beadle: Richard, they're let by the room. I've got five and six bed HMOs, all of which are licenced in the appropriate way. But I deal with tenants on one contract.

Richard Blanco: Oh, do you? Okay. Right. And why do you choose to do that then Ben? I mean, I do that as well. What do you see as the pros of that?

Ben Beadle: I mean, the pros for me is that it's a bit easier to manage rather than dealing with it on a room by room basis. And the market that I was going into was really geared towards students who tend to come as a package rather than individuals. And I selected the area that I was in, which is in an Article 4 area actually, based on its proximity to the university. So it was kind of a conscious decision to be able to do that and go after that group of people.

Richard Blanco: I find, Ben, I've had problems with local authorities assuming all HMOs are bedsit style, and therefore applying those kind of regulations. And then also with lenders not understanding what an HMO is. That doesn't make sense to me because they don't seem to understand regulations themselves. Have you come across that sort of stuff, Ben, as well?

Ben Beadle: Yeah, on both of them actually. The local authority that I'm in required a lot of work to talk around exactly how the property was going to be let and what requirements I would need to meet. I can't remember whether they... I had one inspection. Actually, no, that was building regs inspections. I don't think the local authority have inspected my properties, not that there's anything to find. But, yeah, they did require a lot of work. And similarly on the mortgage side as well, there was a time where I was essentially precluded from accessing certain types of mortgage products because of the composition of the tenancy and how it was made up, because there was a lack of understanding. So I found that I was

quite limited in the choice that I could get. Now that's sort of opened up a bit more now, but it was slightly problematic.

Richard Blanco: Yeah. I mean, I sort of hate as well the idea of these room let properties with stock communal areas and no one knows anyone, and it all feels a bit grim and sort of bad karma really. I much rather like the idea of a bit of a sort of family of sharers. Is that the vibe your properties have, Ben?

Ben Beadle: Yeah, totally. We've let these houses for about 10, 12 years and they are happy houses. They're conducive to good tenancies. In fact, I have one group of tenants that stayed with me for three years, the whole time that they were at university, and every year they used to send me a Christmas card of them reenacting a nativity scene. It was ever so quirky and it was essentially a family environment. And I don't think that's something you would necessarily think about in a HMO.

Richard Blanco: No. And that the regulation doesn't reflect that, is one of my many frustrations. Well, look, let's bring in HMO landlord, Andy Graham. And we're also joined by HMO legal expert and partner at JMW sisters, David Smith.

Andy Graham: Thank you so much for inviting me onto the show today.

Ben Beadle: Welcome. You're very welcome. Tell us a little bit about your portfolio, if you would, and why you choose to let to share, as in the types of tenants that you get.

Andy Graham: Yeah. So I started investing in my very early twenties, straight out of university. That means I've been doing this for about 12, 13 years now. So actually I've got quite a bit of experience letting to sharers under my belt. And there are a whole host of reasons why I'm a huge fan of that model, but particularly the model where our tenants run one contract. See, I think it's hugely favourable for so many reasons. Largely we're talking about student tenants. And students get a bit of a bad rap, but I think in all honesty and certainly in our experience, that's changed. They're not perfect, but no tenant demographic is. But actually you can condense so much of the work that's involved in being a landlord and being a property manager when everybody's on the same contract, and that's hugely beneficial because we're all busy and we've all got very busy lives.

And one of the other great benefits is that you can more easily manage things like bills and have solutions in place to how bills in the houses are paid for. You can choose to have guarantors on top of that contract, and it gives you a very robust and very reliable tendency contract. And the strength of that tenure is great. And I think in any business that you're in, whether it's property or something else, having that sort of reliability on the underlying asset is really, really important. And that's another reason why I'm a huge fan of it.

Ben Beadle: And there must be some downsides though of this type of arrangement?

Andy Graham: I mean there are. And HMOs, I think, per se come with, I think it would be fair to say, more downsides than the comparable single let. You've got five people in that house, the risks of things going wrong naturally increase. There is often less liability in the house, so it's easier for somebody to point the finger and say, "It wasn't me. It was them." You've got to communicate with several people. Often you're having to mediate with people. And if it is student tenants, then often their parents as guarantors and people that are also a party to that tenancy agreement, they need to be involved as well. So there's definitely this element of relationship management and expectation management that is all part of doing the job, I suppose.

Ben Beadle: Indeed. And, David, maybe I might bring you in at this point, our HMO guru. Lots of people think that for a property to be a HMO, it has to be let by the room. But housing and planning legislation have quite specific definitions of a HMO don't they?

David Smith: Yeah, it's got very little to do these days with how people live in the property. That's an old pre-Housing Act 2004 position. It basically comes down to whether people are sharing basic amenities and whether they are related to one another or in a cohabiting relationship. So if you've got people who are not blood relations and who are not in some form of relationship, and there's three of them or more and they're sharing basic amenities and paying you rent, then it will be an HMO, regardless of whether they're on a single tenancy, whether they cook together, eat together or hate each other, or live on multiple different tenancies.

I think though, from my perspective, the key determining factors between doing it on single room lets and doing it on a single tenancy come down to two things really. One is council tax and the other is deposit and changes in shares. If you let your property on a single tenancy agreement, then the liability for council tax remains with the tenants. If you let your property on room lets, then liability for council tax falls to the landlord. Now, if everyone's paying council tax, that's not really that big a deal. If though, for example, it's a student let, you can put yourself at risk if one of the students stops being a student and the property comes liable for council tax and you're the one who's paying the bill and you don't realise. So there's a risk there.

But then if you're doing a single tenancy with say five people, and they want to do a change of sharers, what most landlords don't appreciate is that... or well relatively recently decided actually in the County Courts in London, is that that means you have to re-register the entire deposit and that change of sharers is a new deposit registration. That's frequently not done. And there was a case recently that fell before the eponymous circuit judge Dan Luba, who's well known from a number of other big cases, but he's a bit of a leading figure in housing law. And he held that the deposit was improperly protected because the landlord hadn't re-protected it. And the landlord's perception was it wasn't a new tenancy, it was just a change of sharer and they'd done it for some

change of sharer a piece of paper. But the deposit legislation don't work that way.

Ben Beadle: As we have discussed over many, many years, David, but one for another podcast, I suspect. Tell me this, if you would, landlords can let properties to sharers one year and a family another, but how and why do Article 4 directions prevent this?

David Smith: Right, so people often conflate these things together. In a sense, this has got nothing to do with HMOs in a way. It's to do with planning. So planning permissions work on the basis that you need planning if you go and do building works that are substantial, or if you carry what's called a material change of use. Now the difficulty with using the phrase "material change of use" is what is a material change of use? It's an enormous hassle to work out. So to make things easier, we have what we call use classes. And so we grouped together specific chunks of usage. And classically, we grouped residential use into the use class called C3 and we've grouped HMOs into the use class called C4. That's not the end of the picture, because then of course people do move between use classes. And some of those movements are pretty inoffensive.

And so what we have is we have something called the general permitted development order and it specifically says movements back and forth between the C3 and C4 use class are fine, in England. In Wales, it's a bit different. But then just to make things even more exciting, we also have Article 4 to the general committed development order. And that allows local authorities to say in specific cases certain types of movement between use classes are not permissible, or at least they're not permissible for free. And what they can do is they can either say you can't move between the C3 and C4 use class at all, or they can make it, as some do, a one way trapdoor. So you can move free from C4 to C3, but it's difficult to move from C3 to C4.

Now the difficulty with all of that, of course, is that just because you change use classes that doesn't actually mean it's a material change of use. So what a lot of local authorities will do is pass an Article 4 direction and you'll phone the planning office up and say, "Well, I want to change my use from a C3 single family home to a C4 HMO." And they'll just say, "Oh, we have an Article 4 direction and you're not allowed to do that. We'll always say no." Now in itself, that's illegal. It's not open to a local authority to blanket refuse all planning permissions. And if an Article 4 direction is in place, all that actually means is if you want to change from C3 to C4, you must seek planning permission for doing that.

Now in actual fact, you might be perfectly entitled to get that planning permission. And if the local authority does their job properly, they should in fact say to you make your application and will determine it on its facts. But regrettably, the way things operate, a lot of planning officer think that movement between use classes is just verboten, because they say it is. And also

there's an attitude that has come up, which obviously is driven by elected representatives as well, that they don't want any more HMOs, thank you very much. But actually that's not enormously practical when you look at the situation we have in the UK with a lot of houses that are frequently too large for use requirements in an area. And actually HMOs are a good way of converting larger properties that people don't need. People don't need properties with six bedrooms that much these days, so they are much more suitable for use to shared accommodation.

Richard Blanco: Yes, these policies often have quite unintended consequences, don't they? And local authorities will argue that it's to prevent studentification, as you've said, but also to save housing for families. But of course, many of us would argue that groups of three and four shares are really like families. Let's come onto some of the fire safety requirements, David. Now they do differ, don't they? If you look at the LACORS guidance, it's different fire safety requirements for say a two story house with sharers in, to a two story house with bedsits in. And this, I get very frustrated about it, because often local authorities don't seem to understand this. What's you're taking this. Can you explain it to us?

David Smith: A little bit. It's complicated. There are actually two mechanisms in place for ensuring fire safety. You've got the Housing Act 2004 mechanism, which covers the HHSRS and HMO licencing, and is generally linked to the very out of date and not terribly good LACORS guidance. And then you have the Regulatory Reform (Fire Safety) Order. Now technically, if you rent your property as bedsits, the Regulatory Reform (Fire Safety) Order is the one you should be complying with. If you rent your property as a single HMO, as a single dwelling HMO, then you should be complying with the Housing Act 2004 HHSRS position and the guidance produced by LACOR. So the so there's softly different guidances.

Now, in fact, it's a bit more subtle in that. You tend to find for smaller HMOs, regardless of how you are letting them, the local authority takes primacy because there are agreements in place between the fire service and the local authority about who'll do what. But then the other difficulty is that the LACORS guidance is merely guidance. And in fact, in practise, if you start to look at it, nobody follows it because the requirement in the legislation is merely the properties be fire safe.

If you read your LACORS guidance closely, you'll see that for example, it doesn't require smoke seals on every single door, especially in smaller HMOs. It doesn't actually require every single room to have a smoke detector, especially not if there are no fire seals on bedroom doors. But you'll be hard pressed to find a local authority now that won't demand both of those things. Some local authorities will demand one, so you'll have some local authorities who will insist that every single room should have a smoke seal on it, but they won't insist that every single room should have a smoke detector in it, which is obviously crazy because that would mean that a fire will be ranging away in a bedroom, but the smoke not getting out sound off the detectors.

Richard Blanco: Exactly.

David Smith: No one would know about it.

Richard Blanco: What can landlords do if they want to challenge a local authority and the approach that they're taking on fire safety?

David Smith: Well, ultimately you can take it to tribunal, but the difficulty with all of this is that the tribunal is a cost-neutral jurisdiction. So if you're going to hire somebody like myself to do it, you ain't going to get your money back. In practise experience tells us that while in principle the tribunal is meant to be accessible by unrepresented lay parties, landlords who go for it on their own, don't tend to do terribly well, especially not coming up against the local authority with fire specialists and expertise. So there's no equality of arms. So I tend towards trying to take a pragmatic approach.

If you've got a group of landlords who are all affected by the same thing, they can sometimes band together and all lodge appeals, but then ask for one tribunal to any consider one of them as a lead case. The other option is realistically, I mean you've got to bear in mind that the local authority here is trying to make fire safety situation better. And in some cases it's often better simply to do the work they're asking for.

Ben Beadle: Andy, maybe I can bring you back in here and talking about your experience of HMOs. I think there's a perception that HMOs are maybe lacking in quality and standards. So what's your view on this? What the trends within shared houses and are standards improving in the sector, do you think?

Andy Graham: I think there definitely is this perception that landlords, and particularly HMO landlords, are disinterested, are not conscious of things like fire safety and the general wellbeing of the tenants. And I'm sure there are many cases of that, but I think there's a narrative that... and certainly that the media has helped portray. And the reality is that there are thousands of landlords in the country, myself included, who are doing incredible things, who promote and prioritise the wellbeing of their tenants, community and spaces, the safety elements that work incredibly well with the local councils to adopt their policies and the standards. And yes, sometimes we've got to jump through those hoops and yes, there is confusion. David said himself, the LACORS guidance is so out of date, it's difficult. There are a lot of nuances to things like cohesive and non-cohesive groups. So there's this idea of students all in one tenancy, and sharers, and the differences between sometimes what the authority wants and LACORS being a piece of guidance that draws from many things.

So it is difficult, and it is difficult for landlords for that reason. It's not always that easy to do what people think, or somebody thinks, is the gold standard. And we've got to be mindful as well that being a landlord, every property is its own little business. It's got to be run profitably like a business. If it isn't, it

doesn't work for anybody, not least the tenants in the house. And we've got to be practically minded as well at the same time. And sometimes the requirements are unnecessary, certainly in my opinion and experience. And I think we've got to help make people aware that landlords need help understanding, but also people on the other end, that are trying to distribute the guidance and enforce it, also don't understand themselves.

So there's definitely this element, but I think on the whole, the sentiment in the landlord population is definitely towards improving the standards of accommodation. And I think we all know that the better the accommodation is, the better the service that we can offer, the more that our tenants are prepared to pay, the happier they are, the longer that they'll stay in our accommodation. And if you've got happy tenants, you could be a happy landlord.

Ben Beadle: No, absolutely right. And you painted a very positive picture earlier on around the advantages of one contract shared houses. But wear and tear, do we get more wear and tear than a shared house than a family house?

Andy Graham: Yeah. I mean losing the wear and tear allowance some years ago, that was one that hurt a lot of landlords.

Ben Beadle: Me included.

Andy Graham: I think it's fair to say that some tenants and certainly the student groups can be a bit more heavy handed. But actually there are things that we can do to manage that. We can inspect more. We can inspect better. We can use more durable materials. There are solutions to this. And I think that pointing the finger at tenants because they're young and they do have parties and they do the things that we all did when we went to university ourselves, is hypocritical and also unrealistic. We've got to cater for the customer and it's no different whether you run a Starbucks or a shopping centre, there's going to be wear and tear. And our job is to manage that and understand that we're not going to completely prevent it.

Richard Blanco: David, I've got some quick fire legal questions for you. First of all, this is issue of joint and several liability.

David Smith: No pressure.

Richard Blanco: So when you issue an and a short assured tenancy to a group of sharers, there is this thing called joint and several liability. Give us a quick answer, what is that?

David Smith: Basically joint several liability means that the landlord, at their option, can hold any or all, or any combination of the tenants liable for any breach. So one of the things that I often find quite frustrating in this area is that you'll often hear landlord's saying, "Oh, I've got three tenants and one of them's not paying their

share of the rent." And my answer to that is, "Well that can't possibly be the case, because they'll be jointly liable. So what you're really saying is the rent is down by a third." It's not your problem as a landlord who isn't paying it, that's up to the tenants to arrange between themselves.

Richard Blanco: Yeah. And you know if one tenant can't pay the rent, maybe they've got in touch with you and explain that, and they've got an arrangement where they pay a third each, maybe there's three tenants. Are there any sort of data protection considerations there? Should you tell the other two that this one has told you they can't pay? Because I always find that slightly awkward.

David Smith: Well, I mean the first thing I would do is push that tenant back and say, "You need to discuss at your fellow tenants." But I don't think the data protection legislation would apply to the situation because again, you're trying to separate out the tenants. They're not separate. And indeed, one of the difficulties here is that actually in law, I very rarely use the word tenants. I use the word tenant. There's no actual plural of tenant, legally speaking. There is a landlord and there is a tenant and you don't think of it as different people.

Richard Blanco: Okay. Very interesting. And what's the best way to manage tenant swaps? I mean, should you just start a new contract for the new group of tenants? Or do you take one off and add one on?

David Smith: I prefer that people just start a whole new tenancy, personally. I think every other mechanism is a highway to trouble. The legal position on tenant swaps is difficult. You could argue it's an evasion of a tendency. It can't be an assignment of the tenancy anyway, which people often call it. But I think you're probably on better terrain to simply draw up a whole new tenancy agreement. And also it reminds you of things that I've already referred to, like the deposit needs to be properly released and re-protected.

Richard Blanco: Yes. And I think the Tenant Fees Act allows you to charge something like £50, doesn't it, in that sort of situation? And finally, just this point on lenders, I mentioned it in my chat with Ben at the beginning, where a lender says you can have four people on the tenancy, I won't use the word tenants anymore, but then they say they don't lend to HMOs. I mean, it's happened to be twice where I've had to get an additional HMO licence and the lender said, "We don't let you lend to tenants, so you're going to have to repay your mortgage." And then I point out to them that I've got four people on the tenancy, which they do allow. Where does the landlord stand in that situation, David?

David Smith: The difficulty with all of this is that lenders simply don't know very much about the law in this area. Lenders know plenty about mortgage law, at least in theory, but they don't know a huge amount about landlord and tenant law. And frankly, their legal departments aren't terribly interested in it either. So the difficulty is that they don't really understand what they're talking about, and they all run on this basis that if it's less than five, it's not an HMO. What of course they mean is

if it's five or more, it's a licensable HPO. But they don't really understand the concept of additional licencing. They don't understand that you can have an HMO without it being licensable. But if you had a lending, to a consumer as opposed to business, where that lender contract was inconsistent, then it would be very difficult for the vendor to enforce it.

Richard Blanco: Oh right, that's interesting. Okay. Well David Smith and Andy Graham, thanks very much for joining us.

David Smith: Pleasure. Thank you.

Andy Graham: Thank you.

Ben Beadle: And RLA compliance specialist, Catherine Behdad, joins us again to reflect on another busy month. What issues have been coming up, Catherine?

Catherine Behda...: Well, a bit like the weather, Ben, we've had a real mixed bag this week. What seems to be a concerning theme actually is the lack of prescribed information being served on tenants still in relation to everything. So PI, yeah, in relation to deposits, but also your gas safety certificates, EPCs, how to rent booklets. It's causing members headaches, and my advice is make sure you are getting proof of service when you're signing the tenancy agreement. There's there's really no excuse at this point, to be honest.

Ben Beadle: No, indeed. I was listening in to some calls last week, as I like to do, and that exact issue came up where the landlord was not able to evidence service. They'd left some fairly vital certificates in the property for the tenant to find and not really recorded them on the inventory, which was a little bit problematic. It's probably worthwhile reminding listeners about our tenancy checklist that can be followed. But as you say, it's so important to get evidence of service either from the tenant or including it in the inventory that the tenant has signed.

Richard Blanco: Now the regulations on carbon monoxide and smoke alarms are changing, aren't they, Catherine?

Catherine Behda...: They are. The government earlier this month published legislation that will amend the current smoke and carbon monoxide regulations. Essentially it's to bring social housing in line with the PRS, but there are a couple of crucial points that will change for private landlords, yeah.

Richard Blanco: Tell us a bit more about what's changing, because first of all there's this issue of carbon monoxide alarms, isn't there, Catherine? So in the past you just had to have them if you had solid fuel burning appliances, but now even if it's a gas burning appliance, like a boiler, you will need a carbon monoxide alarm. Is that right?

Catherine Behda...: Exactly. So they're going to be mandatory in every room with a fuel burning device. So yeah, as you say previously it was just solid fuel burners; open fires, coal fires, that kind of thing. But now it's any fuel burning device. There is a slight exception that it doesn't apply to rooms that only have a gas cooker present, so naturally that'll be your kitchen. But other than that, any room with a fuel burning device.

Smoke alarms, there's still no minimum requirements, surprisingly. They haven't specified what type of alarm is required. But our recommendation is that it really needs to be mains-linked, or at the very least a 10-year sealed battery unit. There is quite a significant change as well in that previously you only had to make sure that the alarm was working at the start of the tenancy. It's now going to be a repair and replace obligation. So if you're made aware of a defect on either of the alarms, carbon oxide or smoke, a landlord must investigate, repair or replace as soon as is reasonably possible.

Richard Blanco: And just to be clear, Cathy, the carbon monoxide alarm can be battery operated, can't it? I think most of them are. Certainly I haven't got any that are mains-linked.

Catherine Behda...: Generally, yeah. I mean, you can pick them up on Amazon, B&Q. I think we were talking earlier, you can get them from about £15.

Richard Blanco: That's right.

Catherine Behda...: I mean, a lot of landlords I think have possibly already invested in them. But this law is coming in on the 1st of October, so you've got until then to make sure your properties are ready for it.

Richard Blanco: Out of interest, Catherine, do you get many calls about pest control?

Catherine Behda...: Yes. We get lots of calls about pest control. And I've actually, as a landlord myself, have had my first call this week. So yeah, we've got Environmental Health and people investigating.

Richard Blanco: Look, I'll let you with the secret. I think pest controls are rather fascinating. The way it's handled can really go to the heart of the tenant-landlord relationship. Pests are of course a naturally occurring phenomena, but whose fault is it when they're in your house and who should be dealing with them? Natalie Bungay is technical and compliance manager for the British Pest Control Association, and I know she's going to have lots of practical advice.

Ben Beadle: Natalie, welcome.

Natalie Bungay: Thank you. Thank you, Ben. Thank you, Richard.

- Ben Beadle: Well, give us a little insight then into your world. What are the most common pest issues and what can be the hardest to deal with?
- Natalie Bungay: In terms of the most common pest species, it really depends on the location of the building, the structure of the building, how sound it is in terms of what pests could get in or not get in. So it really does vary, but generally things like rats, of course, mice and squirrels are quite common. They're all in the group of rodents. And then in terms of insects, bed bugs, flies, ants, and cockroaches tend to be the most common ones that get searched through our website where people are seeking a pest controller to come and assist them, and also the phone calls I get into the office from members of the public to discuss certain issues they've got and why they might be there and what they can do to kind of get rid of the problem themselves. So they're generally the most common ones that we get in residential properties.
- Ben Beadle: Well, I've had a few calls from squeamish tenants about spiders. Squish them. Don't call me, squish them. Anyway enough about my pest control advice. What can landlords do to try and minimise the likelihood of pests, Natalie?
- Natalie Bungay: So certainly structure, making sure that the building is sound and access through... mice and rats for example is difficult. And we're not just talking about the external walls where pipes will be going in through into kitchens and things like that. That's important. Make sure they're sealed and they can't get through. But I'm also talking about drainage and sewers and things like that. Because rats live in sewers, so of course if there's a fault or a break somewhere, those rats can exit that sewer, dig up through into the foundations of a building and then invest that building. And of course, if that building is actually a complex or a terrace block, it can spread throughout the whole terrace block. So yeah, certainly drains and the structure of the building is really important. You keep it sound, keep it proofed, seal any holes and fix any things that might go wrong that could allow pests to come in.
- Ben Beadle: Sound advice. And based on your experience, are there particular types of properties that are more prone to these pests?
- Natalie Bungay: We'd stick with rats and mice, just because that tends to be the top of the list in terms of calls that we get. Certainly built up areas is always going to be somewhere that's going to experience, or maybe more likely to experience, issues with rats and house mice, just because by the nature of the beast, they like food and they like a warm place to live and they like water. So of course who provides that for them? Well, we do. We've got nice buildings that are lovely and warm with insulation, and we eat lots of food within our properties, as well as dispose of it in bags that maybe aren't as secure as they should be. So they're like, "Brilliant. This is a feast form in I'm lovely and warm, and I can make a nice nest and create lots of offspring," and they're happy.

The more humans, the more potential for rodent infestations. But that's not to say in more suburban or rural areas, things like field mice are maybe more common because they're living in the fields in cropped areas. So when the weather gets a lot colder in the winter, they'll start moving into nearby properties to get warm.

Richard Blanco: Well, look, I was looking at the shelter website earlier and it said, "Your landlord is responsible for dealing with pest problems if repairs are needed to stop pests getting in or an infestation makes your home unsafe to live in." I wanted to ask you about this, Natalie. How much of dealing with the pest is the responsibility of the landlord or the tenant?

Natalie Bungay: Really good question. We get that a lot. So generally the structure of the building, and like I mentioned before, the drains, things that the landlord owns, is going to be the responsibility for them to have upkeep. And if there's an issue with pests gaining access, and that's the reason they're there, then of course the landlord would be responsible. Whereas if the reason the pest is there because of hygiene issues, the tenant is causing themselves, i.e. not managing their waste properly or hoarding things, things like that, then of course that will be the tenant's responsibility.

However, legally in a more specific way, the Prevention Of Damage By Pests Act 1949 is a bit of legislation that local authorities use. They're obliged by that legislation to keep their districts free of rats and mice, so far as is reasonably practicable. So what that means is if there's any owner, occupier or tenant that's got infestation in their property, they'll serve notice on them to get rid of that infestation. Now, sometimes within those notices, they'll give reason, they'll have an expert witness that will give reason to why those pests are there. And then of course, if it's to do with structural issues, it may be issued to the landlord, or if it's to do with hygiene issues, it may be issued to the tenant. So structure are the landlord and hygiene, the tenant.

Richard Blanco: And I would always say... I mean, I've got a pest controller who charges me sort of a £100 to deal with mine. I just pay that and organise him to do it because I think the tenant's paying me a substantial amount of rent and it's just a service that I offer. So I would urge landlords to think long and hard about whether they want the tenants to suffer when it's going to cost them that much to just deal with it.

Let me ask you about contractors actually, Natalie. What's the difference between council and private contractor? And sometimes councils are free or offer free service, don't they? I never fully understood when or why that is.

Natalie Bungay: Yeah. I used to work for a local authority myself, so I've got a little bit of insight to that. In terms of the difference, technically there is no difference. They do the same thing. They follow the same practises and professionalism and so on and so forth. However, each local authority will have their own agenda, and

depending on who their local councillors are and what their drives are for improving their areas. And some districts may have particular problems with pests, and therefore they want the local authorities to offer a free pest control service to deal with that. Others don't, and they may not even have a pest control department. It may be outsourced to an external contractor.

And what I'm seeing a lot more now is that there are very few local authorities that offer free services. If they do offer free services, it's generally only for rats and mice. And usually only for those that may be on benefits or lower incomes and they can apply to get that. We're not seeing free pest control very much now.

Richard Blanco: Yes. I've noticed that too. Quick tip on the best way to find a contractor, Natalie. Is it just a Google search? Or are there websites where people can go?

Natalie Bungay: Yeah, of course. I mean, here at the British Pest Control Association, we've got 700 members on our books who are all assessed and audited to the British standard, EN16636, and we do various checks on their qualifications and so on and so forth. And people can go onto our website and search for them under the find a pest controller tool.

Ben Beadle: And Natalie we've given rats and mice a good going over in this podcast. Talk to me, I never thought I'd say this, talk to me about cockroaches and ants if you wouldn't mind. What's the best way to deal with them and how do they get into homes? What's the cause?

Natalie Bungay: Start with ants, is probably the easiest one, just because they're going to crawl in. Simply as that. There they'll be building nest under slabs and bricks and stones possibly in your garden. They like sweet products, sweet substances, and they like to feed from that. So of course, if they make their way into your kitchen, for example, and find a nice food source, then they're going to carry on doing that. So it's just keeping everything nice and clean and tidy is going to help prevent it. In terms of cockroaches, usually they are either brought in on say products or furniture for whatever reason, maybe a product you've bought at a store.

It's very rare that happens, but it can, they can just be transported in. But also it could be a migration from a neighbouring property through piping and ducts and conduits, things like that. If you've got a neighbour, that's got a bad infestation, it can sometimes filter over. So that's the most common way we get them.

Richard Blanco: Now bed bugs tend to travel into the property, don't they, through sort of turn-ups on jeans or the stitching of a suitcase. I know it can be a bit more involved, can't it, because you often need several visits from a contractor. Talk to me about bed bugs, Natalie.

Natalie Bungay: Yeah. One of my favourite subjects, just because they're so horrible and so disgusting and cause so much distress to people. It's so satisfying to be able to help them get rid of the problem. So they are, they're they're top of my list. The hardest insect to deal with as well in terms of the pest controllers. In terms of them getting into the properties, they'll hitchhike on anything they can hitchhike on. Whether it's in your hair or your suitcase or on your clothes, they hitchhike. They're great hitchhikers. So the most common bit of advice we give is if you're staying in a hotel, you do a quick bed bug check, pull the sheets off of the mattress, just to make sure that there's none there. And even if you can't see them, putting your suitcase on proper stand or away from the bed, just to help prevent these things from happening.

But unfortunately bed bugs can be hard to see, so even an expert pest controller who's been doing them for two decades can struggle to see them sometimes, just because their early stages are so very tiny.

Richard Blanco: You have to go back several times and do like chemical sprays, don't you, of the area and the skirting boards and things like that. Is that right?

Natalie Bungay: So the important thing about any pest control, but certainly bed bugs is that we use an integrated pest management. IPM is what we call it. Yes, of course, we need to use chemical for bed bugs, but there is a real problem with resistance at the minute. So the bed bugs have become resistant to a lot of different strains of insecticide that we use.

Richard Blanco: Wow.

Natalie Bungay: And that can have treatment failures of course. And pest controllers get called back all the time. So we have to use a mixture of different active ingredients, but we also try and use things like heat to destroy them physically. We've got things called like diatomaceous earth, which is a seashells diatoms that are crushed down to a really fine powder, and that's laid down and actually absorbs all the moisture out the insect and it kills them naturally. Now bed bugs can never be resistant to that. So it's a good other tool to use in amongst using other chemical tools. So really important bed bugs, it's got to be an integrated pest management approach and not just a spray necessarily, because it could be opening up to a long-winded treatment.

Richard Blanco: Yes, I've got this image now of hitch hiking bed bugs taking over the universe because they're kind of resist to everything.

Natalie Bungay: Resistant.

Richard Blanco: But we've haven't spoken about bees and wasps yet, and indeed nests. Of course, birds and squirrels also have nests, don't they?

Natalie Bungay: Mm-hmm.

Richard Blanco: Why do they nest in our properties and what can we do about them?

Natalie Bungay: Yeah, of course. So wasps are one of the most common calls that we get from members of the public. The structures are very obscure and particularly fascinating. And wasps, if you've ever seen them, they're anything from a golf ball to a beach ball size. Very beautiful to look at. However, of course, as we know, wasps can sting and they can be pretty dangerous for anybody that's anaphylactic, so it's quite important for us to get them out there. But yeah, they will nest in your eaves, in your attic, in your shed, in your shoe, in a cupboard if they got in. I mean there's some random places we've found them. Bees, depending on the species, but if we're talking about honey bees, they usually last for... They can last for 10 years sometimes. They don't really die out at the end of the season. They just overwinter, or hibernate in a more common term. And then this time of year they'll certainly be active. And if you have a bee colony within the structure of your building and they've been established for a few years, they can be really tricky to remove. Really tricky.

Richard Blanco: No, I had a squirrel. Well it kind of gnawed its way through the wall and got into my loft space. Fortunately it came back out again, but they could be pretty tricky to deal with, can't they, Natalie?

Natalie Bungay: In terms of treatment wise, it's really important for your listeners to remember that grey squirrels are an invasive species in the UK, which means they cannot be captured and re-released in the environment. If you do capture a grey squirrel alive, it has to be dispatched legally under the Wildlife And Countryside Act. So an important thing to remember, really, if you want to try and prevent squirrels is if you can avoid them being able to get access to your roof. And that means any overhanging trees and things like that you can do to remove as well as, of course, if you notice any holes in soffit boards, is to seal them up.

But as you just mentioned, they have very strong teeth and they can gnaw through brick if they really wanted to. So all the proofing in the world, if they want to get in your property and they can get onto the building, they will.

Richard Blanco: Well, my fascination with this topic lives on, thank you very much, Natalie, for joining us.

Natalie Bungay: No problem. Thank you.

Ben Beadle: Well, I think we've learned a lot in that episode, Richard. I won't lie to you.

Richard Blanco: Absolutely.

Ben Beadle: That was absolutely fabulous. But, folks, that's it for this edition. Please do keep in touch with the NRLA on social media. And head to our website, [nrla.org.uk](http://nrla.org.uk) for more information on today's topics.

This transcript was exported on Jul 25, 2022 - view latest version [here](#).

Richard Blanco: We thank our producer, Sally Warmsley, and a big heartfelt thank you to you for listening. We'll be back. See you in a month's time.