Selective Licensing Consultation

Anti-Social Behaviour Closures • Selective Licensing Scheme Update • Universal Credit in 2018 • Electrical Safety Standards • Energy Performance Regulations
The proposed new areas:
- Birkenhead Central
- Birkenhead West
- Hamilton Square
- Seacombe St Paul’s

For more information about the areas, including a full list of properties and maps, please go to www.wirral.gov.uk/selectivelicensing.

The Council can only introduce a scheme if following a consultation exercise, there is support to do so. The Council therefore is consulting with everyone who may be affected to invite them to have their say on the proposals by completing a questionnaire, and would also like to invite you to attend one of the following landlord workshops where you can discuss the proposals and what they mean for you:

Thursday 1st February, 10am - 12pm or 5pm - 7pm

As with the previous scheme, the Council wants your views and comments. To have your say, please complete the online questionnaire at www.wirral.gov.uk/selectivelicensing and as well as the workshops, accredited landlords will be asked to participate in a steering group to discuss the proposed scheme in more detail. If you are an accredited landlord and would like to put your name forward for the steering group, please contact us with your details by emailing SLconsultation@wirral.gov.uk.

Paper copies of questionnaires can be found in any Wirral One Stop Shop or Library, or contact us by email SLconsultation@wirral.gov.uk or phone 0151 691 8156 to ask for a copy.

If you would like to attend, please book a place by contacting us by email SLconsultation@wirral.gov.uk or phone 0151 691 8156.

There are separate drop-in events for residents who live in the existing areas or proposed new areas to find out more. We will be contacting them directly with information and an invitation to attend, but all information, including drop-in event dates is available on the website www.wirral.gov.uk/selectivelicensing.

Licence conditions for the current scheme were previously consulted on and agreed in 2015. Since then, there has been some new legislation introduced by Government on things like carbon monoxide alarms and the Right to Rent, so it is proposed that the licence conditions are updated with some additional clauses. Please see the full document with all proposed changes on www.wirral.gov.uk/selectivelicensing.

The consultation closes on 21st March 2018.
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Selective Licensing Scheme Update

THE SELECTIVE LICENSING SCHEME was introduced in Wirral on 1st July 2015 and so far over 1300 properties have been licenced which represents over 99% of known licensable properties.

While the majority of landlords understand that the objectives of the scheme are to improve poor property conditions and management standards in the private rented sector, there are still too many properties that are failing to meet the required minimum standard in these areas. Licence holders are required to show that properties are free from hazards; that basic safety checks have been carried out and that they have appropriate management arrangements in place.

On 16th November 2017, Mr Philip James Last of Meols Drive, Hoylake was ordered to pay £4,952 in fines and costs for failing to obtain a Selective Licence for a rented property in Albemarle Road, Egremont. In summing up District Judge Wendy Lloyd described Mr Last as a professional landlord who took no steps to obtain a licence despite repeated requests from Wirral Council.

The prosecution against Mr Last is the latest case brought before the courts by Wirral Council’s Selective Licensing team. This case brings the number of prosecutions by the council against landlords and agents in the Selective Licensing areas up to 27 successful prosecutions.

In 2017 Mr Nigel Russell of Duddon, Tarporley withdrew his appeal to the courts against previous convictions brought by the Selective Licensing team for Housing Act offences and was ordered to pay £42,120 in fines and costs.

Cllr George Davies, Cabinet Member for Housing said: “The Selective Licensing Team will continue to investigate and prosecute owners and managing agents of privately rented accommodation who attempt to evade their responsibilities in applying for the necessary licences or failing to ensure their properties are a safe environment for their tenants to live in”.

“The Council will be undertaking checks on all licensed properties under the scheme to ensure that they meet the required standard and comply with license conditions in order that the health & safety of often vulnerable tenants are protected.

Since the commencement of the Selective Licensing scheme in July 2015, the council have provided assistance to landlords and tenants in a targeted approach to improve the designated areas. This targeted approach has resulted in 38 long term empty properties being brought back into use, a further 8 benefitting from solid wall insulation, and 10 improvements to heating. As the Selective Licensing Scheme is to assist in improving management standards of the privately rented sector the council has also invested in providing external providers to deliver a number of informative training sessions to landlords with view to improving management standards. Further training opportunities for landlords are currently being considered, with details being distributed by the Selective Licensing Team in due course. The Council is also keen to support landlords through tenancy support services where particularly vulnerable tenants can be allocated a case worker to help them sustain tenancies through difficult circumstances and 16 tenants have been supported to date through this initiative.

Anti-Social Behaviour Closures

IN October 2014 legislation was introduced by way of the Anti-Social Behaviour, Crime and Policing Act 2014 which could impact on private landlords and their tenants.

The Act aimed to streamline the tools and powers available to frontline agencies in dealing with anti-social behaviour. Previously there had been 19 different powers, but these were reduced to a base of 6. They are:
- Civil Injunction
- Criminal Behaviour Order
- Dispersal powers
- Community Protection Notices and Orders
- Public Space Protection Order
- Closure of Premises Order

The main one of note for Landlords is the Closure of Premises Notice/Order.

A police officer or the local authority, may issue a closure notice if satisfied on reasonable grounds that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

A Closure Notice can prohibit access to premises for a specified period in certain circumstances and for particular individuals which can be detailed accordingly. Following the Closure Notice being issued the matter will be brought before the Court to obtain a Closure Order for a period of up to 3 months (which can be extended). This Order can limit who is allowed inside the property or close it down fully, not allowing any person inside.

Wirral Council recently took such action by service of a Closure Notice in November 2017 and appearing before Wirral Magistrates Court on Friday 10 November 2017 for a full Closure Order against a property in Newling Street, Birkenhead.

In September 2017 a multi-agency day of action in Newling Street was convened in response to allegations of ASB reported to the Council’s ASB Team by residents, police, Councillors and the MP for the area. During the day of action residents of Newling Street highlighted the property as being of particular concern due to anti-social behaviour and drug dealing from the premises. Residents also complained about being disturbed by the constant flow of visitors to the address at all times of the day and night, stating that visitors to the property arrive on foot, in cars and taxi’s, and being disturbed further by visitors shouting, screaming and banging on the doors and windows of the property to attract the occupiers attention. Residents also described how that part of the road had become a ‘no go’ area as they were fearful of walking past the property and being abused and intimidated. The Police were fully aware of the problems associated with the address and had already executed a number of warrants at the property.

As evidenced by this case practitioners across Wirral have developed a multi-agency protocol to ensure that the Act is implemented both effectively and efficiently and ensure the most effective action is taken to deal with anti-social behaviour.
UNIVERSAL CREDIT IN 2018

Fewer tenants can now make new Housing Benefit claims
All Wirral Jobcentres have now moved over to Universal Credit Full Service. This means fewer tenants now have access to make a new claim for Housing Benefit and will have to make a Universal Credit claim if they need help with their housing costs.

The only tenants who can now make a new Housing Benefit claim are pensioners, tenants who live in accommodation where the landlord provides a high level of care, support and supervision and tenants with three or more children.

Existing Housing Benefit claimants will continue to receive payments from Wirral Council until they have a change in their circumstances which triggers a new claim to Universal Credit. Moving address doesn’t mean a change to Universal Credit, providing the tenant received Housing Benefit at their old address.

It’s a fully digital service
Universal Credit Full Service brings some additional changes for tenants to manage. The most significant change is the move to a digital service to claim benefit from The Department for Work and Pensions (DWP). All Universal Credit claims have to be made online at www.gov.uk/universalcredit

Tenants can get digital help to make a claim from One Stop Shops; they can call in or telephone for an appointment on 0151 606 2220 or at Wirral Jobcentres, where help is also available.

Once a Universal Credit claim is made a tenant will have an on-line Universal Credit journal to record all activities connected to their claim, including all award decision and appointment letters.

Help to budget on a monthly basis
Universal Credit is a monthly benefit and help is available for tenants who have no experience of managing their money in this way. Personal Budgeting Support appointments are available at One Stop Shops or via a referral form from www.wirral.gov.uk/uc

Tenants can get advance payments of Universal Credit to help pay their rent
Waiting for over a month for Universal Credit payments is unnecessary as tenants can get an advance payment once they have made their Universal credit claim and proved their identity. Tenants can speak to their work coach in the Jobcentre or telephone 0800 328 5644 to arrange an advance, which could include help towards paying their rent.

Landlords can request direct payments from DWP
In some circumstances, such as a tenant having difficulties managing to pay their rent or if they have rent arrears, landlords can apply for direct payments.

If you want to apply for direct payments for your tenant from DWP go to https://directpayment.universal-credit.service.gov.uk

Speaking to DWP about your tenant
DWP will only speak to you about your tenant if you have their explicit consent. This explicit consent has to be entered into a tenants’ digital Universal Credit journal by the tenant. You can contact DWP on 0800 328 3844

Young tenants and Universal Credit
Many tenants who are single and under 21 years of age may be entitled to help to pay their rent with housing costs in their Universal Credit. These will be tenants who can’t live at home due to a wide variety of reasons. However Universal Credit rules mean some single under 21 year olds who don’t have any earnings will not qualify for help until they are 22 years old.

Getting Discretionary Housing Payments from Wirral Council
Tenants who receive housing costs in their Universal Credit who need additional help to pay their full rent can apply directly to Wirral Council for a Discretionary Housing Payment. They can apply at www.wirral.gov.uk/dhp

Landlords can find more help and information about Universal Credit at www.wirral.gov.uk/uc and www.gov.uk/universalcredit

Landlord Quiz
Can you answer the following questions for which most of the solutions can be found in this newsletter?

Question 1.
Are five yearly mandatory electrical installation checks to become compulsory for all Private Rented properties?

Question 2.
How many successful prosecutions have been brought against landlords in the current Selective Licensing areas?

Question 3.
Are tenants who receive housing costs within their Universal Credit who need additional help to pay able to apply for assistance?

Question 4.
Is there any additional assistance available from HMRC for individuals who receive income from property?

Question 5.
How many new areas have Wirral Council Cabinet agreed to consult on proposals to extend Selective Licensing to?

Question 6.
For how many years has the Private Landlord Forum been held annually?

Question 7.
Who may issue a Closure Notice if satisfied that a nuisance is associated with a particular property?

Question 8.
Are landlords able to register with Wirral Council to access information on correspondence in respect of benefits, council tax and business rates?

Question 9.
When are the Universal Credit briefings for Private Landlords to be held?

Question 10.
From what date must landlords not let or continue letting a domestic property if that property has an EPC rating of band F or G?

(Answers appear at end of newsletter on page 10)
In October 2016 the Government published the consultation paper Houses in Multiple Occupation and residential property licensing reforms which sought views on implementing a number of measures consulted on in its earlier discussion paper on HMO reforms published in November 2015.

On the 28th December 2017, the Housing and Planning Minister announced his intention to extend mandatory licensing for Houses in Multiple Occupation (HMO) with the changes expected to come into force in 2018, subject to Parliamentary approval.

The key points are:
- certain HMOs which are occupied by five persons or more in two or more households, regardless of the number of storeys will become licensable HMO’s.
- the introduction of a prescribed minimum size room that may be used for sleeping will have to be no smaller than 6.51 square metres, and those slept in by 2 adults will have to be no smaller than 10.22 square metres.
- introducing a mandatory licencing condition requiring local authorities to specify which rooms in an HMO are suitable for sleeping accommodation, and by how many persons.
- also revised details of criminal offences which will automatically ban someone from being a landlord. The government now plans to lay the necessary secondary legislation in Parliament and subject to both Houses approving the measures the intention is they will be brought into force in 2018.

Extending mandatory licensing of Houses in Multiple Occupation

In leading up to 31 January 2018, HM Revenue and Customs (HMRC) are providing a variety of digital products to help you complete your 2016-17 Self Assessment tax returns.

These include:
- A webinar providing information for individuals who receive income from property. You can book by visiting: https://register.gotowebinar.com/rt/8703658559873639681
- Recorded webinars which can be accessed any time:
  Part 1: Property Income
  Part 2: Property Income expenses
  Part 3: Property Income profits/losses
- An e-learning package, ‘Letting out property’ to help individuals who receive income from property. To access this, visit: www.hmrc.gov.uk/courses/syob3/new_letting/HTML/new_letting_menu.html
- There are also a range of short YouTube videos covering topics, such as:
  - Your Income from Property tax return
  - Registering for Self Assessment
  - Paying your Self Assessment tax bill
  - What if I can’t pay my Self Assessment tax bill?

More information can be found on the GOV.UK website at www.gov.uk/guidance/help-and-support-for-landlords.

Tackling the hidden economy: public sector licensing

HM Revenue & Customs have recently launched a consultation which proposes options to tackle the hidden economy by making access to licences needed to trade conditional on tax compliance, known as ‘conditionality’. The consultation document states that:

“The government values the private rented sector and wants to see a strong, healthy and vibrant market, which meets housing needs in a professional way. This includes ensuring that landlords are reporting and paying the tax they owe. To support this aim, HMRC is increasing its targeted compliance activity across the private rental sector through taskforce activity. It is also encouraging those who have been non-compliant to come forward through activities such as the Let Property Campaign”.

The consultation is open to the 2nd March 2018 and further information and the consultation document can be found at; www.gov.uk/government/consultations/tackling-the-hidden-economy-public-sector-licensing.
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**Electrical Safety Standards in the Private Rented Sector**

Following royal assent of the Housing and Planning Act 2016, an Electrical Safety Standards Working Group was established to provide a forum to discuss the current risk posed to private sector tenants in the home from electrical hazards and whether legislative intervention is required to improve electrical safety standards in the PRS.

The report of the Working Group was published by DCLG in March 2017 and members focused on making recommendations to increase the standards of electrical safety in ways which would benefit the sector as a whole without introducing excessive regulation and cost.

The working group included members drawn from different interests including landlord, letting agent and tenant representatives and all members agreed the need to introduce regulations for mandatory electrical installation checks in PRS properties and the issues discussed included:

- The aim of the regulations would be to ensure that the electrical installation is safe for continued use.
- An electrical Installation Condition Report (EICR) would confirm that the electrical installation is satisfactory for continued use and where identified would detail any remedial works required.
- Any properties which were deemed to be unsafe for continued use would require remedial work to be funded by the landlord.

In total eight recommendations, including the view of the majority of the working group to recommend five yearly mandatory electrical installation checks be set out in secondary legislation, were defined in the working group report and specific detail of each of the proposals can be found at: [www.gov.uk/government/publications/electrical-safety-standards-in-the-private-rented-sector-working-group-report](http://www.gov.uk/government/publications/electrical-safety-standards-in-the-private-rented-sector-working-group-report)

The working group also agreed that best practice guidance was required for landlords and agents in advance of the regulations coming into force, and that further work was needed to determine how best to increase compliance and awareness.

The new regulations are now likely to be enacted via the existing Housing and Planning Act 2016.

**Electronic Customer Portal for Landlords and Tenants**

Wirral Council has a web-based customer portal in its Benefits, Council Tax and Business Rates service that will save you and your tenants’ time and money if you register for a range of services.

It is available 24/7 via smartphone, laptop and tablet PC. Computer facilities are available in One Stop Shops and libraries for anyone who doesn’t have web access at home. To register go to: [www.wirral.gov.uk/myaccount](http://www.wirral.gov.uk/myaccount).

Once registered for the service you will be able to:

- View Housing Benefit payments
- Tell us when your tenant(s) are moving
- See benefits, council tax and business rates correspondence we have sent to you

Your tenants will be able to:

- Apply for Housing Benefit (if they are eligible to apply) and Council Tax Support using our new automated online form
- Sign up for E-notifications for quicker updates on benefit claims and Council Tax
- View a summary of their Housing Benefit/Council Tax Support award
- See their benefit payment details
- See benefits and council tax correspondence sent to them
- Report changes in circumstances

The new portal will make benefit changes quicker, helping to reduce overpayments. Wirral Council is asking that landlords and tenants sign up for the new portal to see the advantages in time and money saved.

To register for the Housing Benefit service you will need your landlord reference number. This is the five or six digit landlord reference on your landlord payment schedule.

Tenants will need to register using their nine digit benefit claim number commencing 5.

To register for the Council Tax service and sign up for paperless billing you and your tenants will need the Council Tax Account eight digit number starting 8.

Business rate customers will need their business rate nine digit account number, commencing with 7.

All customers need an email address for verification.

If a customer has more than one council reference, they will need to register for all accounts.
**NEW REGULATIONS** to tackle the least energy-efficient properties in the private rented sector commence in April this year, with those properties rated F or G on their Energy Performance Certificate (EPC) affected by the new requirements.

The guidelines set out the minimum level of energy efficiency for privately rented domestic property in England and Wales of Band E.

- From the 1st April 2018, landlords of domestic privately rented properties may not grant a tenancy to new or existing tenants if their property has an EPC rating of band F or G.
- From the 1st April 2020, landlords must not let or continue letting a domestic property if that property has an EPC rating of band F or G.

**Exemptions to the Minimum Level of Energy Efficiency**

Under certain circumstances, landlords can be exempt from the new Regulations, for example where external wall insulation is required, planning permission is needed but is not granted and there are no other eligible ways to improve the property. Under these circumstances, the landlord can continue to let the property, however, the landlord must lodge the exemption on the national Private Rented Sector (PRS) Exemption Register were they will be expected to evidence exemptions. The register has been open to domestic landlords since 1st October 2017 and can be accessed by emailing PRSregisteraccess@beis.gov.uk.

Local authorities will have access to all the information submitted to the register. It should be noted that whilst a property may be registered as exempt from the new Regulations, it may still fail to meet other related legislation, particularly if there is an elderly or vulnerable tenant in occupation. This in turn could result in enforcement action being taken to improve thermal efficiency.

**Capped landlord financial contributions**

The Government launched a consultation in December 2017 to amend the Regulations to introduce a cap on financial contributions. It proposes that landlords pay no more than £2,500 on improving an F or G-rated property. The consultation ends on 13th March 2018.

Further information can be found online, [www.gov.uk](http://www.gov.uk/energy-grants-calculator) or by telephoning 0300 123 1234. Scottish Power in association with Wirral Council is offering free-of-charge cavity wall insulation in most circumstances and loft insulation in some circumstances for households regardless of welfare benefit status. Telephone Scottish Power’s partner Warmer Energy Services for more information on 0808 178 2206. In all circumstances the tenant must apply and availability is subject to property type and the energy efficiency of the property and current heating system.

2. **Green Deal** – this is a national finance mechanism which enables homeowners and households to take out loans to pay for a wide range of energy efficiency improvements, with repayments made through the energy bill. Repayments for a Green Deal loan are made on a “Pay As You Save” (PAYS) basis: after the improvement has been made, the household begins to save energy, ensuring their energy bills are less than they would have been without the improvement, and these savings are used to repay the loan. Find more information at [www.gdfc.co.uk](http://www.gdfc.co.uk).

**Implications of non-compliance**

The new Regulations will be enforced by local authorities. Checks may be made to see whether a property meets the minimum level of efficiency, and ‘compliance notice’s’ may be issued requesting information where it appears to them that a property has been let in breach of the Regulations.

Where a local authority is satisfied that a property has been let in breach of the Regulations it may serve a notice on the landlord imposing financial penalties of up to £5000 per property. It is important to note that this maximum amount applies per property, and can be increased for continued breaches of the Regulations at the same property.

**Landlords who breach Regulations to be named and shamed**

A “publication penalty” means that the local authority may publish some details of the landlord’s breach on a publicly accessible part of the PRS Exemption Register. The enforcement authority can decide how long to leave the information on the Register, but it will be available for view by the public for at least 12 months. [View comprehensive guidance for landlords on the Regulations.](http://www.gov.uk/energy-grants-calculator)

**Assistance to fund the improvements**

One of the first checks to do if you own an F or G-rated property is to find out if the relevant improvements can be installed at no cost to you. At present, the following schemes may provide you with the means to make improvements at no cost:

1. **Energy Company Obligation** – this can provide free replacement boilers in certain circumstances where your tenant is on specific welfare benefits. [Find more information at](http://www.gov.uk/energy-grants-calculator) or by telephoning 0300 123 1234. Scottish Power in association with Wirral Council is offering free-of-charge cavity wall insulation in most circumstances and loft insulation in some circumstances for households regardless of welfare benefit status. Telephone Scottish Power’s partner Warmer Energy Services for more information on 0808 178 2206. In all circumstances the tenant must apply and availability is subject to property type and the energy efficiency of the property and current heating system.

The good news

Properties rated F and G waste energy, and impose unnecessary cost on tenants and the wider economy, contributing to avoidable greenhouse gas emissions. Data shows that 45% of households living in properties rated as F and G are classified as fuel poor. Put simply, the Private Rented Sector has a disproportionate share of the UK’s least energy-efficient properties and fuel-poor households. Installation of energy efficiency measures can help address this.

**Tenants will benefits in terms of;**

- Reduced energy use
- Health benefits through increased warmth
- **Landlords can benefit by;**
  - Increased tenant satisfaction and reduced void periods
  - Reduced long-term property maintenance costs
  - Properties becoming more attractive and easier to let

It makes sense for landlords to embrace the new energy efficiency Regulations and make their assets as energy efficient as possible. Simple changes can improve the effectiveness of a property for instance by insulating a loft space a typical household can reduce its fuel consumption by £120 pa and changing to LED lighting could save £35 per year on fuel bills.

**Make sure your property does not fail the new minimum standard, check its current rating and see what measures can be taken to maximise its energy performance.**
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THE PRIVATE LANDLORD FORUM is once again scheduled to be held at its traditional venue of the Village Hotel, Bromborough on Thursday 7th June 2018.

This very popular and free event for Private Landlords has now been held annually for over 10 years and is organised jointly by the Landlord Forum Steering Group and Wirral Council. Ideas for speakers and presentations at the event are always welcomed from landlords which enable delegates to receive updates and hear from experts with regard to the latest developments in the private rented sector.

With tea and coffee available on arrival delegates will also have the opportunity to network with other landlords and speak with the event sponsors and exhibitors from a broad range of organisations offering information and guidance on the latest products and services available to assist landlords in managing their properties.

Further details will be available closer to the event but if you would like any additional information or to express an interest in attending please contact the Housing Standards Team on 0151 691 8132 or via email at lat@wirral.gov.uk

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### Quiz Answers

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<tr>
<td>A1</td>
<td>Yes, recommended by Electrical Safety Standards Working Group for implementation.</td>
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<td>A2</td>
<td>27 successful prosecutions.</td>
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<td>A3</td>
<td>Yes, tenants can apply directly to Wirral Council for a Discretionary Housing Payment.</td>
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<td>A4</td>
<td>Yes, an e-learning package, ‘Letting out property’, can be accessed on the HMRC website.</td>
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<td>A5</td>
<td>4 new areas.</td>
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<td>A6</td>
<td>Over 10 years.</td>
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<td>A7</td>
<td>A police officer or the local authority.</td>
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<td>A8</td>
<td>Yes, Wirral Council has a web-based customer portal available 24/7 via smartphone, laptop and PC.</td>
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<td>A9</td>
<td>Thursday 8th February 2018 at 10am to 12pm and 2pm to 4pm.</td>
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<td>A10</td>
<td>1st April 2020.</td>
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landlord insurance

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