



LANDLORD

ACCREDITATION SCHEME

"the assurance of excellence"

Code of Standards



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Introduction

Darlington Borough Council is committed to partnership working with landlords and other agencies to improve the condition and management of housing within the private sector. Darlington Borough Council will manage the Landlord Accreditation Scheme, hereafter known as ‘the Scheme’, within the Darlington Borough.

Whilst membership of the Scheme is voluntary, criteria for joining this Scheme will require that a landlord’s properties meet a minimum ‘code of standards’. Darlington Borough Council’s ‘Code of Standards’ has been developed based upon the guidance and good practice advised by the nationally recognised and independent organisation Accreditation Network UK (ANUK).

Throughout this Code of Standards, hereafter known as ‘the Code’, the term ‘landlord’ includes landlords, owners and managing agents.

The purpose of the Code is to set out the minimum design, safety, contractual, and service delivery standards that tenants can expect when they rent private sector accommodation, and that Accredited landlords can promote as part of their Letting service. This requires that the physical condition of the property and the level of provision of basic amenities are reasonable and satisfactory and not liable to be prejudicial to the health and safety of the occupiers.

Periodic reviews will be undertaken to ensure that the Scheme properly reflects circumstances within Darlington’s private rented sector and includes any legislative changes. We will consult with Accredited Landlords regarding any amendments.

Aims of the scheme

- To identify, acknowledge, raise awareness and actively promote good standards and management practice by private sector landlords.
- To provide a standard for the provision of private rented housing in Darlington.
- Ensure a good standard of management within the private rented sector.
- To increase the supply of good quality accommodation available in the area.
- Ensure that the physical condition of dwellings, the level of provision of basic amenities and management practices, are fair and reasonable, and not liable to be prejudicial to the health, safety and welfare of tenants and the surrounding neighbourhood.
- Provide advice and support to responsible landlords in providing high quality, well-managed accommodation.
- Provide a constructive channel for consultation between the Local Authority and those landlords who are committed to providing good quality housing.
- Enable tenants to obtain information about, and get access to better quality accommodation.
- To encourage responsible behaviour by tenants.
- Ensure that Signatories to the Scheme, in addition to complying with the requirements of the Scheme, comply with their legal obligations.

3 Scheme Operator's Responsibilities

DARLINGTON BOROUGH COUNCIL'S LANDLORD ACCREDITATION SCHEME WILL:

- Work in close partnership with landlords, local bona fide landlord associations and other key private rented sector stakeholders.
- Determine the Accreditation standards required based on good practice.
- Administer and monitor the Scheme including undertaking compliance audits.
- Maintain a database record of Accredited landlords and properties.
- Be responsible for the issuing, administration, suspension and revocation of the Accredited status of landlords. The Landlord Accreditation Officer has the right to refuse access to the Scheme to any landlord who does not comply with the requirements of the Code, and remove any landlord within the Scheme who is not complying with this Code.
- Provide general help and advice, e.g. compliance, standards, and signposting to other services.
- Provide early training and/or free training on issues affecting landlords, such as legislative changes.
- Provide information on changes and likely pending changes in legislation by such means as landlord forums, newsletters, and through local landlord associations.
- Assist landlords to achieve Accreditation status.
- Work with landlords to develop guidance and good practice on Abandonment procedures.
- Provide a public list of Accredited landlords and any vacant accredited properties.
- Actively promote the Landlord Accreditation Scheme across the Darlington Borough.
- Provide incentives to joining the Scheme.
- Regularly consult with Accreditation Scheme stakeholders and act positively on feedback.
- Ensure that when a landlord has agreed to comply with the Code then this will be made generally available, and the Code and its members will be actively promoted amongst those searching for housing and letting/estate/managing agents.
- Review membership every 3 years for the purpose of ascertaining compliance with the Code. Membership will also be reviewed when a complaint has been received from a person who may feel a breach has occurred.
- On receipt of an application for accredited landlord status, ensure as far as is reasonably practicable, that the landlord is responsible, competent and suitable to be a member of the Scheme.

4 Darlington Bond Scheme

Landlords and their agents should be aware of the Darlington Bond Scheme. The main function of this Bond Scheme is to provide damage and rent guarantee to landlords. They also aim to assist people needing accommodation by:-

- Referring people to possible landlords;
- Undertaking a basic inspection of the intended dwelling;
- Offering support, both whilst arranging a tenancy and afterwards.

If you would like more details, please contact the **Darlington Bond Scheme, Grange Road Baptist Church, Darlington, DL1 5NH. Tel: (01325) 467617.**
Accredited landlords are encouraged to adopt this Scheme.

5 How the Landlord Accreditation operates

(a) Equal Opportunities

Landlords will ensure that in the provision and letting of housing and all other associated services and in the letting of contracts for services, no person or group of persons applying will be discriminated against directly or indirectly because of their race, ethnicity, national origin, gender, disability, appearance, marital status, sexual orientation, religion or social status.

(b) On Application, landlords will:

- Be committed to partnership working.
- Provide the Scheme with a full list of dwellings within the Darlington Borough owned or managed by them, contact details for the owner if they manage the property for someone else, and inform the Scheme of any changes in their holdings or management portfolios as and when they occur. The Landlord Accreditation Officer reserves the right to authenticate these lists.
- Agree to comply with the legal requirements of the Housing Act 2004. See Appendix A for information on the Housing Health and Safety Rating System (HHSRS) and Licensing for Houses in Multiple Occupation (HMOs).
- Agree to comply with the Health and Safety requirements stated in Appendix B.
- Agree to comply with the Complaints procedure and good practice stated in Appendix C.
- Agree to produce an annual gas safety certificate for each of their properties.
- Agree to produce an electrical installation safety check certificate for each of their properties within 10 years from their application, and every 10 years thereafter.
- Agree to the name and contact details held by the Scheme to be shared with other partner agencies, departments of the local authority, and the Police.
- Provide access to dwellings for the Scheme or it's agents to undertake inspections.
- Ensure that all their dwellings meet the requirements of the Scheme, or alternatively where a minority of a landlord's dwellings are not fully compliant, apply to the Scheme for a concession and agree a Dwelling Upgrade Plan, and accordingly inform any existing or prospective new tenants of this arrangement. The Dwelling Upgrade Plan is an agreed plan of action to upgrade, within a reasonable timescale, any dwelling that does not fully meet the requirements of the Scheme.

- Be given the reasons in writing if their application is unsuccessful.
- Be entitled to a right of appeal through the Scheme's Review process if their application is unsuccessful.
- Following successful application, and satisfactory outcomes to some dwelling condition and management compliance checks by the Scheme, landlords will be awarded the status of Accredited landlord, as appropriately determined by the Scheme operator.

(c) Public Register

The names and contact details of Accredited landlords, sufficient only for publicity and promotional purposes, are a matter of public record, and are readily available for public reference.

Landlords joining the Scheme will, for the purpose of the promotion of their business, have their details displayed on Darlington Borough Council's internet website and other appropriate places.

(d) Disciplinary matters

- Where a Landlord does not provide, or is found not to have provided, full or correct information on the LAS Application form or Suitable Person Declaration form, or does not disclose any subsequent convictions, (s)he may be excluded from the Scheme.
- Breaches of the requirements of the Scheme will be considered by the Landlord Accreditation Officer, who will take into account the nature of the breaches, the representations of the landlord, the tenants and other relevant parties, and decide, if necessary on an appropriate sanction.
- Accredited landlords who do not fulfil their Dwelling Upgrade Plan obligations, will be investigated by the Landlord Accreditation Officer who will consider what action is appropriate.
- Where a landlord is found to be in breach of the Code, (s)he may be excluded from the Scheme for a period as determined or indefinitely.
- Any improper or inappropriate behaviour, by the landlord in relation to Housing Benefits, or if a landlord is determined to be "not a fit and proper landlord" by the Housing Benefits Office, (s)he may be excluded from the Scheme.
- Landlords who lose their Accreditation status following the decision of the Landlord Accreditation Officer will be entitled to appeal against this decision through the Scheme's Review process.
- Landlords wishing to make a formal complaint about the operation of the Scheme can do so to the Scheme for action through its Review process. If the complaint is not resolved satisfactorily the landlord can utilise Darlington Borough Council's Corporate Procedure for handling Comments, Compliments and Complaints.
- The Landlord Accreditation Officer will consider the findings and recommendations of the Scheme's Review and act on them accordingly.
- Landlords who lose their Accredited status will no longer be members of the Scheme or be eligible for any of the benefits of the Scheme.
- The Landlord Accreditation Officer will consider the reinstatement of Accreditation status if the landlord is able to demonstrate that, following remedial action, they are capable of meeting the requirements of the Scheme.
- Disciplinary action will be reported in an open and transparent way to demonstrate that the Scheme is being enforced.

6 Landlord Responsibilities

LANDLORDS WILL ENSURE THAT:

(a) Information and Induction

- All property details are reported accurately without misrepresentation to prospective tenants.
- All prospective tenants are granted an opportunity to view the property, having due regard to the rights of existing tenants.
- Prospective tenants are provided with a copy of any contractual terms under which a property is offered and such terms will indicate clear details of any fees payable in addition to rent and any arrangements involving tenant guarantors. New tenants are, when requested, permitted not less than 24 hours within which to seek independent advice regarding any contractual terms on the Tenancy Agreement.
- The name and current registered address of the landlord is stated on the agreement together with the address and telephone numbers of any managing agent or person(s) acting on behalf of the owner. If an agent is employed he should be notified of any change of the landlord's address.
- No monies for deposits or rent are demanded prior to the signing and exchange of any letting agreement, except where non-returnable deposits, such as a retainer, are paid to reserve a property for an agreed specified period.
- Prospective tenants are issued with a clear statement of the rent due to be paid, including the dates, amounts and method of payment due to be made during the contract.
- Where any other fees or incidental costs, apart from rent, are due to be payable to the landlord then the tenant must be made aware of this in advance in writing. Such fees may include administration fees, charges for credit checks, etc.
- Landlords should advise their tenants to promptly notify the Housing Benefits Office in writing of any changes in their circumstances. Landlords who are aware of any changes, for example a partner appears to have moved in with the tenant, must promptly report these changes in writing directly to the Housing Benefits Office. Failure to do so may result in prosecution by the Housing Benefits Office.

(b) References

Landlords should try to ensure that the person to whom they let is going to be a suitable tenant. While it is important not to set unrealistic standards, landlords should seek written references wherever possible. Landlords should not however automatically disregard tenants who have a valid reason for not being able to provide references. The final decision as to the suitability of a prospective tenant remains wholly with the landlord. **The Scheme is currently investigating the development of a Tenant Referencing System for Accredited landlords.** The Landlord Accreditation Officer will signpost landlords to the system once it is established, but will not undertake any referencing for landlords.

(c) Deposits

Handling of Deposits should meet the requirements of the Housing Act 2004 at such time as regulations commence – see Appendix A for information

The Tenancy Agreement should specify the following information:

- How the deposit is held.
- By whom.
- What the deposit is held for.
- Who will receive the interest.
- The maximum period after the end of the tenancy by which the deposit will have been returned, subject to the resolution of any dispute.
- How disputes over the deposit will be resolved.

(d) Tenancy Agreements

- There must be a proper written Tenancy Agreement in place to protect both the landlord and the tenant.
- The Tenancy Agreement must be in clear legible English containing no contractual terms in conflict with any statutory or common law entitlement of the tenant or the terms of this Code.
- The Agreement should include a clause regarding anti social behaviour (see Appendix D for information).
- A model Tenancy Agreement will be made available to Accredited landlords, and can be supplied by the Landlord Accreditation Officer.
- A full set of Agreement(s) documents are issued to the tenant(s) at the start of the tenancy, including all necessary documents and supporting evidence required by the Council's Housing Benefit Section (prospective tenants should be encouraged to apply for and have received a decision in respect of a pre-tenancy determination before the tenancy commences). Should a prospective tenant require advice and assistance to complete a housing benefit / council tax benefit application form they should be referred to the Housing Benefits section, using the hotline established for Accredited landlords.

(e) Charges

- Prospective tenants are clearly informed as to who is responsible for payment of all utility charges and Council Tax, and that this responsibility is accurately stated in the terms of the Tenancy Agreement.
- Where any service charges are levied by the landlord, prospective tenants are clearly informed and such services and charges are properly specified and detailed in the Tenancy Agreement.

(f) Payment Methods

- Where transactions by bank transfer are made and where requested by a tenant, an account will be provided to the tenant at least annually for all monies demanded whether for rent, deposit, utility or service charge.
- Where transactions are undertaken in cash or cheque a written receipt will always be provided by the landlord, or a signed entry made in a rent book held by the tenant.
- Where rent is due weekly the tenant must be issued with a rent book.
- A complete record of all rent amounts due and paid is maintained, including Housing Benefit direct payments, with a copy available to tenants on request.
- A separate record is maintained for any other charges or payments made or due.

(g) Inventories

- A detailed inventory is completed at the start of the tenancy, if possible in the presence of the tenant. The inventory should be initialled on all pages by the tenant and landlord and signed and dated by both parties on the last page.
- To avoid any dispute, a list of the furniture in the property and a schedule of its condition should be included in the inventory. Fixtures and fittings should also be included.
- A copy of the inventory is given to the tenant.
- An end of tenancy inventory is completed, if possible in the presence of the tenant. The inventory should be initialled on all pages by the tenant and landlord and signed and dated by both parties on the last page.

(h) Pre-tenancy Repairs, etc.

- At the commencement of the tenancy, or other date mutually agreed with the tenant(s), all obligations on the part of the landlord in regard to the repairs, property maintenance and improvements to the property have been fully discharged. These issues will reflect the obligations given within the Housing Health and Safety Rating System (see Appendix A for information).
- External and internal decoration of all parts of the dwelling shall be in good condition.
- All carpets and floor coverings are in good condition and capable of being cleaned.
- New tenants are provided with details of the Dwelling Upgrade Plan where the dwelling is subject to one as part of the landlord working towards full Accreditation.
- Any agreed pre-tenancy repairs or any intentions on the part of the landlord to undertake improvements should be confirmed in writing.
- There is adequate insurance cover for the property including public liability insurance, and new tenants are advised to take out contents insurance, where appropriate. The Council can refer tenants on to its own Tenants Contents Insurance Scheme.

7 During the Tenancy

LANDLORDS WILL ENSURE THAT:

(a) Ensuring Possession

- New tenancies do not commence until the existing one has terminated.
- The tenant is actually resident in the property, so they do not falsely receive Housing Benefit Payments for the tenant if (s)he is not resident.

(b) Access

- Where access is required for routine inspection(s) the tenant receives notification of the date, time and purpose of the visit not less than 24 hours in advance, unless otherwise agreed, and with the exception of circumstances where issuance of such notice is impractical.
- Tenants' privacy and entitlement to unnecessary intrusion is respected.

(c) Conduct

- Business is pursued in a professional, courteous and diligent manner at all times.
- They do not act in such a manner that brings the Scheme into disrepute.
- Tenants are notified following a change of managing agent.

(d) Scheme Awareness

- If requested, tenants of Accredited landlords will be given a copy of the Code. The Landlord Accreditation Officer will provide copies for this purpose.

(e) Repairs and Maintenance

- All dwellings are maintained in a satisfactory state of repair and comply with all relevant legislation.
- The following repairs completion performance standards will be aimed for:
 - **Priority one – emergency repairs:** any repairs required in order to avoid a danger to health, risk to the safety of residents or serious damage to buildings or internal contents. **Action** – WITHIN 24 HOURS OF REPORT OF DEFECT – where this is not practicable, suitable temporary arrangements must be made.
 - **Priority two – urgent repairs:** repairs to defects, which materially affect the comfort or convenience of the resident(s). **Action** – WITHIN 5 WORKING DAYS OF REPORT OF DEFECT.
 - **Priority three – non-urgent day-to-day repairs:** reactive repairs not falling within the above categories. **Action** – WITHIN 28 WORKING DAYS OF REPORT OF DEFECT.
- With the exception of Emergency Repairs, the date on which the repair was reported to the landlord in writing shall be the start date for the repairs completion timescale.
- Tenants are provided with a point of contact in case of emergency.
- Decorative finishes, for which the landlord has responsibility, are made good within a reasonable timescale if damaged or disturbed during repairs.

(f) Planned Programmes of Repair/Improvement & Cyclical Repairs Programmes

- Maintenance and servicing tasks which can be carried out in a planned and cyclical manner, such as gas appliance servicing, electrical safety, gutter and window cleaning, or exterior or interior painting, are carried out with due regard to the convenience of the tenant(s).
- With the exception of emergencies, tenants will be notified prior to attendance by contractors to undertake repairs.
- Where contractors and trades persons are undertaking works in occupied premises, they remove all redundant components and debris from site on completion of works in a reasonable time and behave in a professional and courteous manner at all times whilst at the premises.

(g) Visual Appearance

- Within the landlord's responsibilities and reasonable endeavours the visual appearance of dwellings, outbuildings, gardens and yards, and boundaries is maintained in a reasonable state so as not to detract from the visual amenity of the area.

(h) Furnishings and Furniture

- All furnishings and furniture, provided by the landlord, are in satisfactory condition at the commencement of tenancy and comply as appropriate with the Furniture and Furnishings (Fire) (Safety) regulations.

(i) Kitchen Facilities

- Each kitchen contains facilities for the storage, preparation and cooking of food, which are suitable for the number of occupants using the kitchen and must be compliant with the HHSRS (see Appendix A).

(j) Toilet and Personal Washing Facilities

- An adequate number of suitably located W.C.'s, baths and/or showers and wash basins are provided with constant hot and cold water supplies as appropriate, which are suitable for the number of occupants and must be compliant with the HHSRS (see Appendix A).

(k) Overcrowding

- Dwellings are not knowingly overcrowded and must be compliant with the HHSRS (see Appendix A).

8 At the end of the Tenancy

LANDLORDS WILL ENSURE THAT:

(a) Terminating Tenancies

- Tenancies are terminated either by mutual agreement, by serving the prescribed statutory notice, and by use of the Possession Procedure through the Courts.
- New tenancies do not commence until the existing one has ended.

(b) Deposits

- Deposits are administered efficiently and reasonably by the landlord or their nominee, and are not withheld for any purpose other than that for which they were levied.
- All deposits (or balances on deposits) are returned to former tenants within 8 weeks of the end of tenancy, or an explanation provided as to why a variation may need to be the case.
- Whilst the Tenancy Deposit Scheme (see section 4 for information) has not yet come into force, consultation and guidance is likely to be issued soon, and it is an expectation of the Scheme that landlords will adopt these new regulations as and when they commence.

(c) Housing Benefits

- Where Housing Benefits are being paid, landlords will promptly report the termination date of any tenancy, or any dwelling where the tenant is no longer resident, in writing to the Housing Benefit Office. Failure to do so may result in prosecution by the Housing Benefits Office.
- If Housing Benefit is paid directly to the landlord and there is an overpayment the landlord may have to repay the overpayment due promptly, subject to the landlord's knowledge and right of appeal.

(d) Condition and Cleanliness

- Tenants are issued with clear written guidelines regarding the expected standard of cleaning especially in relation to the ending of a tenancy, so as to avoid misunderstandings regarding the standard of cleanliness and condition of the dwelling expected at the end of the tenancy.
- Any rubbish/waste left at the property will be disposed of properly at an approved waste disposal site or via the Council's Bulky Refuse Collection service. Contact the Landlord Accreditation Officer for information.

(e) Unoccupied Properties

- Unoccupied properties are secured and maintained in such a way that they are safe, do not detract from the neighbourhood, and take into account the wishes of the local residents. Guidance on returning an empty property to use can be obtained via the Landlord Accreditation Officer.

9 Important Notes

- Darlington Borough Council's Landlord Accreditation Scheme reserves the right at any time to amend the content of the Scheme or its operation.
- Adoption of the Landlord Accreditation Scheme and compliance or non-compliance with the provisions of the Scheme does not affect the statutory rights of people seeking housing.
- Members of the Scheme agree to comply with and accept that Darlington Borough Council can make amendments to the content or operation of the Scheme subject to consultation with the relevant parties, whereupon members of the Scheme will be notified of any changes.
- Darlington Borough Council's Landlord Accreditation Scheme does not have control over the management or condition of the dwellings covered by the Scheme and therefore cannot be held responsible or liable for them.

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11 Further Information

For further information regarding the Landlord Accreditation Scheme please contact the Landlord Accreditation Officer:

Address: Darlington Borough Council,
Housing Services,
5 Skinnergate,
Darlington,
Co. Durham,
DL3 7NB

Tel: (01325) 734105
Fax: (01325) 734109
Email: las@darlington.gov.uk
Web: www.darlington.gov.uk

APPENDICES

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ANTI SOCIAL BEHAVIOUR

APPENDIX A

THE FOLLOWING WILL APPLY TO ALL LANDLORDS AND OWNER OCCUPIERS

HOUSING ACT 2004 - LEGAL REQUIREMENTS

(i) Housing Health and Safety Rating System (HHSRS)

- Landlord's property must comply with all statutory requirements under Part 1 of the Housing Act 2004, which introduces a new system called the Housing Health and Safety Rating System (HHSRS) that replaces the Housing Fitness Standard contained in section 604 of the Housing Act 1985.
- The HHSRS is a risk-assessment approach to assessing residential dwellings where the focus is on identifying and evaluating the seriousness of hazards that arise from defects and deficiencies. The principle behind the HHSRS is that all dwellings, including outbuildings, gardens, and means of access and egress, should provide a safe and healthy environment for any potential occupier or visitor.
- Risks are assessed on the basis of the likelihood of an occurrence that could cause harm and the probable severity (Class of Harm) of the outcome, if it did happen.
- If a dwelling is safe for the most vulnerable then it will be safe for everybody.

The HHSRS has the following **29 categories of hazards**:

A. PHYSIOLOGICAL REQUIREMENTS

1. Damp and mould growth
2. Excess cold
3. Excess heat
4. Asbestos (and MMF)
5. Biocides
6. Carbon monoxide and fuel combustion products
7. Lead
8. Radiation
9. Uncombusted fuel gas
10. Volatile organic compounds

B. PSYCHOLOGICAL REQUIREMENTS

11. Crowding and space
12. Entry by intruders
13. Lighting
14. Noise

C. PROTECTION AGAINST INFECTION

15. Domestic Hygiene, Pests and Refuse
16. Food safety
17. Personal hygiene, Sanitation and Drainage
18. Water supply for Domestic Purpose

D. PROTECTION AGAINST ACCIDENTS

19. Falls associated with baths, etc.
20. Falls on the level
21. Falls associated with stairs and steps
22. Falls between levels
23. Electrical Hazards
24. Fire
25. Hot surfaces and materials
26. Collision and entrapment
27. Explosions
28. Ergonomics
29. Structural Collapse and failing elements

- The HHSRS uses a formula to generate a hazard score for each hazard identified. Once the score has been decided it is placed in a banding (banding goes from 'Band A' and continues through the alphabet to 'Band J'). **Category 1 hazards** are those rated in Bands A to C, and **Category 2 hazards** are those rated in Bands D and lower.
- The Act imposes on Darlington Borough Council a mandatory statutory duty to take the appropriate enforcement action where it considers that a Category 1 hazard exists on any premises. With Category 2 hazards there is also a power to take action and Darlington Borough Council can require works that will ensure that the dwelling meets the ideal standard for the particular hazard in question, and that reduces the hazard score to some lower, pre-determined level.

(ii) Licensing of Houses in Multiple Occupation (HMOs)

- Part 2 of the Housing Act 2004 amends the definition of an HMO, and states that HMOs will comprise houses, hostels, self-contained flats or other relevant buildings that are occupied by persons who do not form a single household, where there is a degree of sharing facilities, for example cooking, or where the housing lacks such facilities or is not self-contained. It also states that the definition of an HMO includes any yard, garden, outhouses and minor rights, interests or privileges belonging to or usually enjoyed in relation to the HMO or any part of it.
- A licence authorises occupation of the HMO by no more than the maximum number of persons specified in the licence. The aims are to provide greater protection for the health, safety and welfare of the occupants of HMOs, and to improve housing conditions within the private sector.
- Under the Act there are three types of licensing:

1. **Compulsory** licensing of HMOs for properties that are:
 - three or more storeys high
 - have five or more people in more than one household, and
 - share amenities such as bathrooms, toilets and cooking facilities.
2. **Additional** licensing of HMOs. Local housing authorities can introduce an additional licensing scheme applicable to HMOs in its area, or any part of it, that it considers appropriate.
3. **Selective** licensing of all privately rented accommodation in a specified area, at the discretion of local housing authorities based on one of the following conditions:
 - an area has low housing demand (or is likely to become such an area).
 - an area is experiencing a significant and persistent problem caused by anti-social behaviour.
 - a scheme has been made in accordance with regulations made by the appropriate national authority to deal with other challenges in the private rented sector.

N.B. Self-contained flats that met and still meet the requirements of the Building Act 1991 will still be HMOs but will not require a licence. The landlord must produce documentation to satisfy this exemption or a licence will still be required.

(iii) Tenancy Deposit Scheme

Landlords and their agents should be aware of Tenancy Deposit Schemes.

The provisions in the Housing Act 2004 will make it a requirement that any landlord who wishes to take a monetary deposit must safeguard that deposit with a tenancy deposit scheme (TDS). The aims of the provisions are to remove the risk of misappropriation of tenants' deposits by landlords and letting agents.

Whilst this element of the Act will not be implemented until 01st October 2006, the Government is currently consulting on proposals on how statutory Tenancy Deposit Protection will operate and guidance is likely to be issued soon, and it is an expectation of the Scheme that landlords will adopt these new regulations as and when they commence.

Once the provisions come into force they will apply to all new tenancy deposits taken in connection with assured shorthold tenancies.

Schemes will have two main purposes:-

- to safeguard tenancy deposits paid in connection with assured shorthold tenancies; and
- to facilitate the resolution of disputes arising in connection with such deposits.

Arrangements will be made with bodies to set up and manage Tenancy Deposit Schemes on the Government's behalf. These will be scheme administrators. At present the intention is to do this through contractual arrangements with private organisations.

For further details visit the website of the Office of the Deputy Prime Minister (Housing section; sub-section Renting and Letting) on www.odpm.gov.uk

APPENDIX B

EVERY LANDLORD WILL BE SUBJECT TO THE HOUSING HEALTH AND SAFETY RATING SYSTEM (HHSRS)

- see Appendix A for details

HEALTH AND SAFETY - MUST BE COMPLIANT WITH THE HHSRS

LANDLORDS WILL ENSURE THAT:

(a) Gas Appliances and Supply

- All means of use and supply of mains gas and alterations and repairs to gas installations shall comply with the current Gas Safety (Installation and Use) Regulations.
- Documentation giving verification of annual gas safety checks by a CORGI registered gas installer will be provided to tenants (or put on display in the dwelling), made available to the Landlord Accreditation Officer, and given to new tenants on moving in.
- All repairs to gas supply pipe work and appliances will be carried out by registered confederation of registered gas installation (CORGI) fitters.
- Clear written instructions in the safe use of all central heating and hot water systems are available on request.

(b) Liquefied Gas / Paraffin Heaters and Appliances

- No form of bottled gas or paraffin heaters will be provided as a heating source.
- Oil fired heating systems are serviced in accordance with the Manufacturer's recommendations.

(c) Electrical Installations and Appliances

- All electrical installations provided by the landlord are certified as safe by a competent electrician in accordance with the current relevant legislation. A document of verification must be obtained stipulating that the electrical wiring of the dwelling is safe and in satisfactory condition and the timescale within which the next safety check should be carried out. A suggested format would be an NICEIC (National Inspection Council for Electrical Installation Contracting) Periodic Inspection Report. The Landlord Accreditation Officer can make this document available.
- All components used in electrical wiring installations and repairs comply with the relevant International Standards and all appliances will be installed in accordance with Manufacturers instructions.
- All electrical appliances provided by them under the terms of the tenancy are functioning effectively, in accordance with manufacturers' operational limits, and are capable of being operated in a safe manner. Portable Appliance Testing (PAT) would be one satisfactory manner of ensuring this. Appliances are regularly visually inspected for wear and tear and any defects remedied.
- Instructions in the safe use of all electrical appliances (including cookers, space and water heaters, refrigerators and freezers) will be given upon request.

(d) Lighting and Ventilation

- All dwellings are provided with adequate natural and artificial lighting and ventilation.
- All rooms should have an opening window of suitable size that is not less than 1/20th of the room floor area.
- All rooms should have a glazed area that is not less than 1/10th of the floor area of the room.
- Kitchens, bathrooms and W.C.'s should have an opening window as above and/or be fitted with a suitable mechanical ventilator.

(e) Energy Efficiency

- All dwellings are provided with a minimum level of energy efficiency measures to include hot water tank and exposed pipe lagging and adequate insulation to roof void areas where appropriate.
- Energy efficiency improvements are incorporated, where practicable, into refurbishment schemes.
- Tenants are given advice upon request, or signposted to an appropriate advisory agency, on how best to heat their accommodation and use hot water in an energy efficient way using the facilities provided.
- A range of grants are available from Energy Companies dependent upon the status of the tenant and the status of the Landlord.
- Darlington Borough Council also offers support and advice on improvement to energy efficiency. Further information is available through the Landlord Accreditation Officer.

(f) Space Heating

All dwellings are provided with adequate and suitable space heating. Adequate and efficient fixed heating appliances, or a controllable central heating system, are required to be provided in principal rooms (main living room and bedrooms) or bed sits, with suitable provision for other rooms.

(g) Internal Layout

- Dwellings or parts thereof will not be let if the internal layout is likely to be prejudicial to the health or safety of tenants.
- Rooms have an adequate floor to ceiling height. There is no prescribed minimum height, but seven feet (2.1 metres) would normally be considered to be satisfactory. Each case will be looked at on its own merits depending upon all the circumstances.

(h) Fire Safety including Refurbishments

- There is at least one smoke detector (preferably a mains fire detection system which complies with BS5839) located in the hall or landings, prior to the letting of the accommodation, which is fully operational.
- As good practice they aim to provide a fire blanket in every kitchen.
- When rewiring is carried out dwellings will be provided with a mains wired smoke alarm system with detectors that comply with BS 5446 Part 1 and sited to protect the route of escape in case of fire.
- Where such dwellings comprise more than one storey, smoke alarms shall be interlinked, with one detector at each level within the route of escape.

- Smoke alarms shall be properly maintained in accordance with the Manufacturers instructions, and tenants are informed of their responsibilities to treat the alarm system with respect and to replace batteries when required.
- In addition requirements of the HMO Licensing Scheme must be met.

(i) Security Measures

- They consider, and implement where appropriate, measures recommended by local police authority backed Crime Prevention initiatives. All security measures must be considered in relation to fire safety.
- Security grilles on doors and windows are used responsibly and in consideration of fire safety, appearance, and the need for their use at all.
- External doors and frames are secure and fitted with a secure locking system.
- Ground floor and upper storey windows accessible from ground level are of sound construction and resistant to unauthorised entry.
- If present, burglar alarms will have a 20-minute cut out and a nominated key holder.

(j) Hygiene & Waste Disposal

- All facilities for the storage, preparation and cooking of food will be capable of being readily cleaned and being maintained in a clean and hygienic state by the tenants and should be clean at the commencement of tenancy.
- All floor coverings in kitchens, bathrooms and WCs are capable of being cleaned with suitable domestic disinfectant products.
- All dwellings will be provided with suitable refuse disposal facilities sufficient for the number of occupants.
- They inform tenants of the need for proper refuse management and disposal.
- All appropriate steps are taken to enforce all tenancy agreement clauses relating to proper refuse disposal.
- They promote recycling to tenants. Further information can be obtained from the Landlord Accreditation Officer.
- If necessary, they are aware of the additional requirements within the HMO Licensing Scheme.

(k) Dampness

- The dwelling is free from dampness prejudicial to the health of the occupants. The extent, location, frequency and persistence of any dampness, of whatever cause, will be particularly important in determining whether it is prejudicial to health.

(l) Houses in Multiple Occupation (HMOs)

In addition to normal requirements, HMOs are provided with fire safety measures in accordance with current legislation and which may include by way of example:

- A fire escape route with a minimum of 30 minutes fire resistance.
- An automatic fire alarm system.
- An emergency lighting system sited to protect the route of escape.
- Fire extinguishers.
- Fire doors on protected escape routes and protected areas.

- The design and detail of the fire safety measures are determined in accordance with a fire safety risk assessment and in consideration of the Darlington Borough Council's HMO Licensing Control Scheme standards.
- Fire alarm and emergency lighting systems installed in HMOs are properly checked and maintained by a competent approved electrician, not less than every 12 months, and that inspection certificates are provided and retained.
- All exit routes within a dwelling, such as hallways, landings and staircases, so far as they are under the control of the landlord and so far as reasonably practical, will be maintained safe, unobstructed and free of fixtures and fittings to enable evacuation of the dwelling in the event of fire.
- To help avoid delay in escaping fire, all HMO accommodation doors, final exit doors, and any other doors through which a person may have to pass should be so fastened and maintained that they can be easily and immediately opened from the inside without the use of a key.
- There should be a properly fitting fire door and frame to the kitchen, fitted with intumescent strips, smoke seals and an overhead self-closing device.
- Clear guidance on Fire safety will be provided to residents at the commencement of the tenancy or the tenants signposted to a suitable advisory agency. The Scheme will make the necessary information available to the landlord.
- They are compliant with HMO Licensing as appropriate. Please see the HMO Licensing Control Scheme for further information.

APPENDIX C

COMPLAINTS

LANDLORDS WILL ENSURE THAT:

(a) Procedure

They have a clear written procedure for dealing with complaints, which is given to each tenant at the start of the tenancy, that makes clear:

- The purpose of the complaints procedure;
- How the complaint should be made;
- How and by whom it will be considered;
- How long it will take.

The procedure should aim to resolve complaints quickly and fairly so that the parties can move onto a more constructive relationship for the remainder of the tenancy.

- Where a landlord has few dwellings that they look after themselves, the complaints procedure can be very short and straightforward. Larger organisations and landlords with more dwellings may need to have more stages in a more formal process.
- They respond reasonably and promptly to tenants or tenant representation in regard to any complaints or difficulties raised by the tenant(s).
- They make a written response to tenants correspondence or their chosen representative within 14 days.
- Maintain courteous and professional relations with the tenant(s) during any dispute.
- If the complaint is not resolved then either party can refer it to the Scheme for review.

The Scheme recommends the following good practice:

Good Practice

- Complaints can be made orally or in writing, but if they cannot be resolved by the landlord, they must be put in writing so they can be considered by others.
- However made, complaints should be formally registered by the landlord so their progress can be tracked.
- The complaints procedure should be completed as quickly as possible to minimise the damage to the landlord-tenant relationship.
- Landlords are encouraged to join the Independent Housing Ombudsman Scheme in order that any complaints or disputes that fail to be resolved within the Scheme can be referred to the Ombudsman for his consideration.

(b) Advice For Tenants

- The principal aim of a complaints procedure is to resolve complaints efficiently. Before commencing the procedure it is recommended that tenants attempt to resolve any problems by contacting their landlord in the first instance. Complaint should be submitted in writing after lines of negotiation have been unsuccessful. In the event of a complaint not being resolved you can contact the Landlord Accreditation Officer and the Scheme can review this matter.
- If you are a relative or representative of the tenant you must provide written authority from the tenant concerned stating that you are authorised to make/deal with a complaint on their behalf.

APPENDIX D

ANTI SOCIAL BEHAVIOUR

The Scheme is committed to reducing anti social behaviour (ASB). Section 57(5) of the Housing Act 2004 defines anti social behaviour as:

‘Conduct on the part of the occupiers of, or visitors to, residential premises which causes or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises; or which involves or is likely to involve the use of such premises for illegal purposes.’

The Tenancy Agreement should include the following ASB clause:

“The tenant agrees that any person living on the premises, whether permanent or temporarily and any visitor to the premises, will comply in all respects with the terms and conditions contained in this tenancy agreement and more particularly with the following conditions.

- *Not to commit or allow any illegal or immoral act to be committed on the premises.*
- *Not to cause or permit to be caused any acts which are a nuisance, annoyance or inconvenience to other tenants or adjoining or neighbouring occupiers.*
- *Not to permit any visitor to commit any act, which is a nuisance, annoyance or inconvenience to other tenants or adjoining or neighbouring occupiers.”*

Landlords should use reasonable endeavours to achieve compliance and co-operate with the Council’s Anti Social Behaviour Unit and the Police.

Anti Social Behaviour Officers will offer appropriate support to landlords. Crime Prevention advice will also be available to accredited landlords. Information and contact details are available through the Landlord Accreditation Officer.


**LANDLORD
FORUM**
working with landlords

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on request in Braille or large print.**


LANDLORD
ACCREDITATION SCHEME
"the assurance of excellence"

Darlington Borough Council
Housing Services
5 Skinnergate
Darlington
DL3 7NB

Tel: (01325) 734105
Email: las@darlington.gov.uk
Web: www.darlington.gov.uk