



LANDLORD ACCREDITATION SCHEME

THE CODE OF MANAGEMENT

LETTING/MANAGING AGENTS

AGREE TO:

Equalities

- Signatories to the Scheme will ensure that no person or group of persons applying for housing or associated services will be treated less favourably than any other person because of their race, colour, ethnic or national origin, gender, disability, marital status, sexual orientation, age, religious belief or social status.

Advertising

- Accurately report property details and allow prospective tenants to view the property having due regard to the rights of existing tenants.

Deposits

- The Housing Act 2004 required a Landlord to join a statutory tenancy deposit protection scheme from the 6th April 2007, if they take a deposit for an Assured Shorthold Tenancy.
- If a deposit is taken you must provide the tenant with details of the tenancy deposit protection scheme under which their deposit is being held.
- Provide a receipt for the deposit paid.

- Provide the tenant with detailed information about what steps they need to take to avoid any part of their deposit being retained at the end of a tenancy and offer to inspect the property at the tenant's request.
- Give a written explanation to the tenants if any portion of the deposit is retained.

Receipts

- Provide a receipt for all the rent payments upon request, if rent is payable other than weekly. Written receipts must be provided for all cash transactions. If rent is payable weekly a rent book must be provided

Fees

- Clearly inform prospective tenants of any fees that may be charged for arranging a letting agreement.

Tenants agreements

- Provide the tenants with a suitable written tenancy agreement in plain English, in a minimum font size of 12 points, stating the name, phone number and current registered

address of the owner and agent if applicable. The contract should contain no clauses that conflict with the tenants' legal rights or with the terms of this code of practice. Prospective tenants should be given a full copy of the tenancy agreement. Where requested tenants should be permitted at least 48 hours within which to seek advice regarding those contractual terms.

- Clearly detail what rates, taxes, services or other charges are included in the rent and which are not included. The landlord's responsibilities for maintaining these services should be detailed.
- Provide clear written instructions for the payment of rent.
- Include clauses regarding nuisance and anti-social behaviour and the penalties if tenants behave in an anti-social manner.
- Clearly state the grounds for termination of the tenancy and the possession procedure which will ensue if the terms of the tenancy are not complied with.

Pre-tenancy check

- Ensure that at the commencement of the tenancy a pre-tenancy check has been completed and that all obligations on the part of the owner in regard to repairs and property maintenance or improvements have been fully discharged or will be discharged by a date agreed with the tenants. Any pre-tenancy repairs or intentions on the part of the landlord to undertake improvements should be confirmed in writing.

Inventories

- Supply an inventory, indicating the condition of the items where necessary. The inventory must be signed by the landlord and countersigned by the tenant once both parties have had an opportunity to check its correctness.
- Where a Letting/Managing agent is employed, the landlord shall at the commencement of the

letting, personally sign the inventory to confirm his acceptance of the agent's description of the items listed in the inventory or delegate to the agent in writing responsibility for compiling the inventory and for deciding at the termination of the letting whether all or part of the deposit shall be returned to the tenant.

Housing Benefit/Local Housing Allowance

- Landlords who assist tenants to complete application forms should sign the appropriate part to indicate they have helped complete the form.
- If Housing Benefit is paid directly to the landlord and there is an overpayment, then it shall be repaid to the Housing Benefit Department once they have been notified of the amount due, subject to the landlord's right of appeal.
- Where Housing Benefit or Local Housing Allowance is paid, provide a six monthly statement to inform tenants of their outstanding contribution.
- Landlords should advise their tenants to keep the Housing Benefit Department up to date with any changes in their circumstances. Landlords who are aware of changes must also notify the Housing Benefit Department.
- Landlords and Letting/Managing Agents should promptly advise the Housing Benefit Department when a tenant vacates their property.

Disputes

- Where disputes arise between the landlord and tenant, make a written response to correspondence from tenants or their agent within 3 weeks, ensure that all settlements and agreements reached are honoured within three weeks of such a settlement being agreed and maintain courteous professional relations with tenants during any dispute.
- If complaints remain unresolved they should be referred to the Home Improvement Agency. If the Home Improvement Agency can reach a resolution, the tenant and landlord will be

notified. If no resolution is possible, the Home Improvement Agency will provide advice about future courses of action open to both parties.

- If a local authority officer considers the dispute to be of a serious nature and a breach of the Code of Management or the property requirements the fit and proper status of the Landlord or Letting/Managing Agent shall be referred to the Accreditation Panel.

Information/repairs

- There must be arrangements in place to report and deal with general repairs. Tenants should be given details of how to turn off the water supply, gas and electricity services and a telephone number to report repairs.
- Provide details of the relevant utility companies and ensure that the tenant knows how to get services transferred or reconnected when necessary.

Emergency repairs arrangements

- Provide details of an emergency contact (if different from details contained in the tenancy agreement).
- Landlords must have arrangement in place for emergency problems with drains, electricity, gas and dangerous occurrences. A system to record all repairs must be in place as evidence of good practice. The landlord shall ensure that this procedure works in practice.

Target response times

- Emergency Repairs

Any repairs required avoiding danger to health, risking to the safety of residents or serious damage to buildings or resident's belongings e.g. burst pipes, blocked drains, broken toilets and heating failure. These must be made safe or completed within 24 hours of defect being reported.

- Priority 2

Repairs to defects which materially affect the

comfort or convenience of residents must be completed within 10 working days of report of the defect.

- Priority 3

Reactive repairs not falling within the above categories. These must be completed within 28 days of reporting the defect.

Business conduct

- Not demand money on an unreasonable basis.
- Behave in a professional, courteous and fair manner towards their tenants and prospective tenants.
- Ensure that in the provision and letting of housing or associated services and in the letting of contracts, no person, or group of persons applying will be treated less favourably than any other person or group of persons because of their race, colour, ethnic or national origin, gender, disability or sexual orientation.
- Adopt the correct procedures for tenancy terminations and refrain from any act of harassment or illegal eviction.
- Ensure adequate insurance cover in place for property and landlords furnishings and for public liability.
- Give adequate notice of entry before inspecting a property, except in the case of an emergency.

The property

All parts of a dwelling must be in a reasonable state of repair, be clean and safe, and any appliances provided by the landlord must be in good working order prior to occupation.

Landlords should undertake to carry out internal and external inspections of the property at appropriate intervals. Regular inspections can help resolve tenancy problems at an early stage and make the landlord aware of any unreported repairs and protect their assets.

Maintenance which can be carried out in a planned

and cyclical manner such as gas servicing, gutter cleaning and painting, should be carried out with due regard to the convenience of the tenants. Landlords must have an emergency repairs arrangement, particularly for problems with drains, electricity, gas and dangerous occurrences. A system to record all repairs must be in place as evidence of good practice.

As part of this process, there must be arrangements in place to report and deal with repairs. Tenants should be given details of how to turn off the water supply, gas and electricity services and a telephone number to report repairs. Appropriate records to be maintained re: Fire safety, Gas and Electrical tests and Domestic Energy Performance.

Specific requirements

Housing Health and Safety Rating System (HHSRS)
Under HHSRS a dwelling must provide a safe and healthy environment for both occupants and any visitors. This rating system requires a risk assessment to be made, which forms the basis of any housing enforcement decisions. To maintain an adequate level of health and safety, HHSRS insists that:

- A dwelling must be free from avoidable hazards
- Where hazards are unavoidable, the risk from that hazard should be reduced to an acceptable level.

Follow the HHSRS link for more information relating to every hazard. Reference should be made to this chart before the self-certification form is completed.

The Decent Homes Standard

The rating system works in conjunction with this standard, which is the Government target to provide comfortable, warm and affordable housing across all sectors of the housing market.

A decent home as defined as one that:

- meets all statutory minimum legal requirements

- is in a good state of repair and structurally stable
- is wind and weather tight
- is warm and has reasonably modern facilities

Generally, a property which meets this standard will be automatically approved for accreditation.

Houses in Multiple Occupation (HMOs)

Since the introduction of the Housing Act 2004, the definition of a house in multiple occupation has changed so that, for example, buildings made up of self-contained flats that were converted to Building Regulation standard no longer fall within this definition but student shared houses that were previously excluded from the definition are now included.

A property where an entire house or flat is let to 3 or more tenants who form 2 or more households and who share a kitchen, bathroom or toilet; or a house which has been converted into 3 or more bedsits or other non-self-contained accommodation again sharing facilities; or a building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies will all be classed as Houses in Multiple Occupation where it is the tenants' only or main residence. Specific Management Regulations apply to such properties.

Houses in Multiple Occupation are also subject to additional legislation requiring the larger units to be licensed. So were there are 5 or more tenants, in 2 or more households, over 3 or more storeys and sharing facilities a licence must be applied for. Standards then apply to such licensed properties regarding the level of amenities and facilities in kitchens and bathrooms appropriate in number and location for the number of occupants and with respect to the means of escape in case of fire.

Fire Safety

Although fire safety is a higher risk in multi-occupied properties with more floors, all properties must ensure that tenants can safely exit in the event of a fire, and sufficient early warning of a fire is given.

For further information on fire safety the following link to the LACORS Housing – Fire Safety Guidance should be used as this guidance has been adopted by both West Mercia Fire and Rescue and Telford & Wrekin Council as the current standard: <http://www.lacors.gov.uk/lacors/upload/19175.pdf> Properties occupied by a single household must be fitted with a form of fire detection incorporating an audible alarm. Generally a mains powered or lithium battery powered smoke detector will be required on each floor, however, more may be needed depending on the size and layout of the property.

For HMOs, properties should be risk assessed individually, as the level of fire protection will depend on the size of the property, the layout, and the number of occupants.

The HMO licensing service can be contacted for further guidance on:

Tel **01952 381818**

Fax **01952 381993**

Email **environmental.health@telford.gov.uk**

Full details are also available on the Telford & Wrekin Council web site www.telford.gov.uk under private rented sector housing – advice for landlords of houses in multiple occupation.

Gas Safety

It is a statutory requirement that gas safety checks are carried out annually.

You will need to provide the Council with a copy of the current gas safety certificate following safety checks carried out by a Gas Safe registered

engineer. Further certificates must then be forwarded annually. A copy of the safety certificate should also be given to the tenant. A list of Gas Safe registered engineers can be found at www.gassaferegister.co.uk

Any appliances found to be defective must be repaired or replaced by a Gas Safe registered engineer. Servicing of appliances is a separate activity from that of a safety check and should also be carried out annually by a Gas Safe registered engineer.

Portable bottled gas or paraffin appliances should not be provided as a heating source.

Electrical Safety

The whole electrical installation, and any electrical appliances provided by the landlord must be in a safe condition and in good working order. This must be supported by a certificate from a competent electrician who is a member of a nationally recognised body (e.g. NICEIC). The report must specify how often the installation should be re-inspected, and this must be followed. In the event of defects/danger signs, an electrician must be called immediately to remedy any defects. All electrical appliances provided by the owner are functioning in accordance with manufacturers' operational limits and are capable of being operated in a safe manner. Appliances are regularly visually inspected for wear and tear and any defects remedied.

Furniture Safety

If you let the property furnished, you should ensure that the following items of furniture comply with Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended): beds, mattresses and headboards, sofa beds, futons, sofas, cushions, pillows, other soft furnishings.

All new furniture (apart from beds and mattresses) and loose or stretch covers must carry a permanent label attached showing that the item

complies with the Regulations. Details of these standards can be obtained from:

Telford & Wrekin Council
Trading Standards Service
Darby House
Lawn Central
Telford TF3 4JA

Tel: **01952 381999**

Fax **01952 381993**

Email: tradingstandards@telford.gov.uk

Thermal Comfort

All dwellings must have an efficient, programmable heating system and effective insulation.

Under the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 an energy performance certificate (EPC) is required when a building is let.

Heating

A 'whole house' heating system must be in place, either by the provision of central heating, or at least one fixed programmable heating appliance in each room.

Any heating system should be appropriate to the design, layout and construction of the building, and must have adequate output to effectively heat the whole of the property. Any heating system needs to be capable of maintaining a healthy indoor temperature of 21°C

Any form of heating must be controllable by the occupier and safely and properly installed and maintained.

In properties where the heating is centrally controlled, such systems should be operated to ensure that occupants are not exposed to cold indoor temperatures, and should be provided with additional controls to allow the occupants to regulate the temperature within their dwelling.

The use of portable heating appliances is not acceptable.

Insulation

Roof spaces should be insulated to meet current Building Regulation requirements. Alternative insulating products may be used to provide thermal insulation to an equivalent level.

Water tanks and pipes in cold areas must be lagged, and hot water cylinders must be suitably insulated, and where necessary, external doors, windows and letterboxes should be draught proofed.

Community relations:

Visual impact

Where a garden or paved area exists this shall be kept in good order and free of waste and litter, so far as is reasonably practicable. The Landlord or Letting Agent, so far as is reasonably practicable, shall have responsibility to enforce a requirement that their tenants keep the garden free of litter and the garden area should not be used to store old or unwanted furniture or fittings for more than 5 working days prior to its removal.

Between tenancies or when vacant, the Landlord or Letting Agent shall also maintain the visual appearance of the property, outbuildings, gardens and boundaries in a reasonable state so as not to detract from the visual amenity of the area.

Complaints about tenants behaviour

The Landlord or Letting/Managing Agent shall:

- Respond to complaints regarding neighbour nuisance or the anti-social behaviour of their tenants.
- Visit/contact the tenant to discuss the nature of the complaint.
- Write to the tenant following initial contact detailing what was discussed and agreed.
- During this initial contact, the Landlord will

respect the anonymity of the complaint if this is requested.

- Liaise with the Tenancy Relations Service **01952 381875/77** and/or the Anti Social Behaviour Hotline Service **01952 385385** to agree a course of action
- Co-operate fully with the appropriate agencies if the complaint is not resolved in the first week and take action within agreed time time-scales.
- Where it is agreed that there is sound evidence of a persistent breach of tenancy conditions the owner/agent will serve a notice to terminate the tenancy. The enforcement of this notice will depend upon the subsequent behaviour of the tenant in response to the notice.

Signboards

In line with the Town and Country Planning Regulations (Control of Advertisements) 1992, the following will apply to signboards advertising a property to let, or a successful letting: the signboard 'To Let' or 'Let By' must not exceed a total surface area of 0.5 of a square metre, or a total area of 0.6 of a square metre for two joined boards; no signboard is allowed to extend outwards from the wall of a building by more than one metre; in each case only one board may be displayed on premises and this must be removed not later than 14 days after granting of the tenancy.

Refuse bins

Landlords and Letting/Managing Agents will ensure that they inform their tenants of the need for proper refuse management and about the Telford & Wrekin Council recycling scheme. Further information is available on request from Telford & Wrekin Council. Where a property has its own external bins, the house number of the property should be marked clearly on these. Where possible, wheelie bins should be located at the rear of the property and tenants should be informed of the need to return them to that location as soon as possible after they have been emptied

Car parking

The Landlord or Letting/Managing Agent shall advise the tenants of any residents parking restrictions in force in the area.

Data Protection Policy

Telford & Wrekin Council needs to collect and use certain types of information about people with whom it deals in order to operate. These include current, past and prospective employees, suppliers, clients/customers, and others with whom it communicates. In addition, it may occasionally be required by law to collect and use certain types of information of this kind to comply with the requirements of government departments for business data, for example. This personal information must be dealt with properly however it is collected, recorded and used - whether on paper, in a computer, or recorded on other material - and there are safeguards to ensure this in the Data Protection Act 1998. (Personal information is data which relates to a living individual who can be identified from the data). We regard the lawful and correct treatment of personal information by Telford & Wrekin Council as very important to successful operations, and to maintaining confidence between those with whom we deal and ourselves. We ensure that our organization treats personal information lawfully and correctly. To this end we fully endorse and adhere to the principles of data protection, as enumerated in the Data Protection

Act 1998. Specifically, the Principles require that personal information:

a) shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met; b) shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes; c) shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed; d) shall be accurate and, where necessary, kept up to date; e) shall not be kept for longer than is necessary for that purpose or those purposes; f) shall be processed in accordance with the rights of data subjects under the Act; g) shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data. and that: h) appropriate technical and organizational measures shall be taken against unauthorized or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

APPLICATION FORM:

Telford & Wrekin Council Landlord Accreditation Scheme

Letting Agent Details

Company name:

Address:

Postcode:

Telephone:

Mobile:

Email:

Website:

Other trading names of organisation and postcode areas covered:

How long have you been trading as a letting agency:

Details of membership (including membership numbers of any relevant professional associations, e.g. NLA, ARLA, NALS:

I declare that I have read and understood the Code of Management and agree to abide by its conditions.
Signed on behalf of the applicant by the Chief Executive, Principal, Partner or Director

Signature:

Date:

Print name:

Position in the Company/Organisation:

Please read the Telford & Wrekin Council Landlord Accreditation Scheme carefully before you make your application. Should you require any advice, please contact the Home Improvement Agency Tel: **01952 381855** on or email: homeimprovementteam@telford.gov.uk

Send all forms to:

Home Improvement Agency, Business & Development Planning, PO Box 457, Wellington Civic Offices, Wellington, Telford, TF2 2HF

Declaration of being a 'fit and proper' person

- 1 I declare that I am a fit and proper person to be accredited. I, nor any person associated or formerly associated with me, have any unspent convictions that are relevant to my application, in particular:
 - a. Any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003
 - b. Undertaken any unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business;
 - c. Contravened any provision of the law relating to housing or of landlord and tenant law; or
2. Additionally in the last five years, neither I nor any person associated or formerly associated with me have:
 - a. Been in control of a property subject to a Control Order under section 379 of the Housing Act 1985.
 - b. Been refused a licence, had a licence removed, or breached conditions of a licence for any property in relation to a mandatory, additional or selective licensing scheme under the Housing Act 2004.
 - c. Been in control of any property that has been subject to an Interim or Final Management Order or a Special Interim Order under the Housing Act 2004.
 - d. Been in control of any property on which a Local Authority has carried out works in default.
 - e. Been in control of any property where you have been found guilty of a criminal offence or been the subject of legal proceedings commenced by a Local Authority or other Regulatory Body (such as breaches of the Environmental Protection Act 1990, Planning Control, Compulsory Purchase or Fire Safety Requirements).

- f. Been convicted of any charges relating to harassment or illegal eviction.
- g. Been ordered by the County Court to pay compensation in relation to non protection of a deposit.

Signed on behalf of the applicant by the Chief Executive, Principal, Partner or Director

Signature:

Date:

Print name:

Position in the Company/Organisation:

Self-certification inspection checklist

When you wish to advertise a property on Telford HomeFinder, please complete and submit this form.

Property address:

Name of owner:

Address of owner:

Telephone:

1. Current Gas Safety Certificate.

(I enclose a copy with this form)

Yes No

2. I confirm that the Electrical Installations at the property are safe, well maintained and in good working order

(I enclose a copy with this form)

Yes No

3. General Requirements.

(a) Is the property in a reasonable state of repair and free from avoidable hazards?

Yes No

(b) Do you have emergency repair arrangements? (this should be provided clearly to your tenant, either attached to the tenancy agreement or displayed in prominent place)

Yes No

4. Fire Safety

(a) Does the property have adequate means of escape and fire precautions?

(as per the scheme requirements)

Yes No

(b) Do the furnishings comply with Fire Safety Standards?

Yes No

5. General Standard of Management:

Do the management arrangements for the property comply with the code of management practice?

(see code for details)

Yes No

6. Thermal Comfort & Domestic Energy Performance Certificates

(a) Does the property have an adequate heating system and effective thermal insulation?

(as per the scheme requirements)

Yes No

(b) (I enclose a copy with this form)

Yes No

7. Security

Is the property secure? (as per the scheme requirements)

Yes No

8. Insurance

Do you have landlord buildings/liability insurance?

Yes No

9. HMOs

Is the property an HMO?

Yes No

If so, does the property comply with the relevant requirements for amenities?

Yes No

Will the HMO need to be licensed?

Yes No

Does the property have an existing HMO licence

Yes No

I hereby confirm that I carried out an inspection of the above property on
and that it meets the standards set for accreditation.

Signed:

Date:

Please print name:

(If signing on behalf of a company, please state in which capacity you are signing)
risks identified will be immediately referred for action. Following completion of any works, the property will
be re-inspected without the need for a new application.