

Peterborough Accredited Landlords Scheme (pals)

December 2008



PETERBOROUGH



**Growing the right way for
a bigger, better Peterborough**

Foreword

*{By Councillor Graham Murphy,
Cabinet member for housing, regeneration and economic development}*

"The benefits of the Landlord Accreditation Scheme are far reaching.

*For tenants it is peace of mind that they are renting a safe and
secure property with a well managed tenancy.*

*For the wider community it will mean well managed properties
which are in good condition and therefore
less likely to attract crime and anti-social behaviour.*

*"There are also a number of benefits for landlords including
improvements to the access of a range of council contacts and
services and the status of being a publicly recognised good
landlord."*

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Peterborough Accredited Landlord Scheme Application Form

Introduction to the Peterborough Accredited Landlord Scheme

Accreditation schemes have been set up successfully in many local authorities and are an effective way of improving conditions and management standards in the private rented sector. Standard and public awareness are raised by creating partnerships between landlords, agents, tenants and the local authority, providing support and advice for landlords/agents. The schemes aim is to recognise and acknowledge responsible landlords/agents by providing them with incentives and discounts.

Landlord Accreditation schemes are voluntary and rely on the support and goodwill of landlords, Local Authority accreditation team and tenants. Landlords/agents will be able to advertise their accredited status and use it to enhance their business reputation. Tenants will also have the knowledge and confidence that their accommodation meets, and often exceeds, legal standards.

There are two parts to the scheme – the accreditation of properties and the accreditation of the landlord/agent.

Anybody who rents out residential accommodation in the private sector is eligible to join the scheme which has no joining or membership fees. The Council may charge fees for providing some specific services to members; these will be clearly defined on the website.

The Code of Standards

(a) This code of Standards (the code) has been introduced in Peterborough by Peterborough City Council (the Council) to establish an accreditation scheme (the Scheme). It aims to do this by ensuring that:

- ✓ Achievable standards are attained in the quality of housing; and
- ✓ The agreements and responsibilities between the landlord and the tenant are clear and are maintained by both parties.

(b) The Scheme is applicable to properties already let at the time of inception of the Scheme by the landlord/agent, or to properties that the landlord/agent intends to let.

(c) Landlords/agents taking part in the scheme will need to ensure that their properties are free from high category hazards as set out in Part 1 of the Housing Act 2004.

(d) This is a voluntary scheme which owners of privately rented accommodation and Letting/Managing Agents are encouraged to join in order to meet the Code and take advantage of the benefits of the Scheme.

(e) This Code is for guidance only and should not be relied on exclusively by landlords/agents who must ensure that they comply with their legal obligations in respect of the health, safety and welfare of their tenants. Landlords/agents must comply with all legislation relating to property management and pay particular attention to the legislation set out in Appendix B. The list is not exclusive, and legislation may change. It is the landlord's responsibility to keep themselves abreast of any changes.

(f) Landlords/agents who wish to include their properties in the Scheme must conform to the Code and pass a **fit and proper person** test as outlined in Appendix A of this document.

(g) The details of all Scheme members will be kept on an accreditation register, and their contact details will be available for public inspection on the Council's web site. Any other information would only be made public with the prior consent of the member.

(h) This code has been prepared and agreed by a voluntary steering group comprising local landlords; managing and letting agents and council officers. The steering group will continue to meet to monitor and review the Scheme. (i) Peterborough City Council endorses and adheres to the Data Protection principles. The Data Protection Policy is outlined in Appendix E.

(j) The code may be reviewed from time to time.

Definition of terms

The term 'landlord' shall mean the owner of the property.

The term 'agent' shall mean the management/letting agent that has agreed to act on the behalf of the landlord in legal relations with third parties.

Accreditations to companies and business partnerships would name the accredited individuals, and the company or partnership would be required to notify the Council of any changes – removal of names or by application – to add new names.

The term 'tenant' shall mean the person who is given by the landlord/agent the right to occupy the property on an exclusive basis in return for rent and in accordance with English law.

Scheme Objectives

The main objectives of the Scheme are to:

- ✓ To improve and promote the conditions of private rented properties across Peterborough.
- ✓ To promote good standards of management and best practise by landlords.
- ✓ Develop incentives for landlords/agents and tenants to create a mechanism for working with the Council to maintain and improve standards within Peterborough.
- ✓ To create a good working relationship between local authorities and Landlords/agents.
- ✓ To provide tenants with confidence in the quality and management of their accommodation.
- ✓ To give recognition to landlords/agents whose properties are of a good standard.
- ✓ To improve and promote the public image of the private rented sector.
- ✓ To assist landlords/agents and tenants to fulfil their responsibilities with regard to rented accommodation.
- ✓ To reduce disputes and misunderstandings between landlords and tenants, using resources available from the Council and other bodies.
- ✓ To work with landlords and tenants to reduce anti-social behaviour affecting communities.
- ✓ To promote the Scheme to potential new members through open forums.

Scheme Incentives (to date)

- ✓ Extensive advertising and promotion of the scheme by the Council - recommending accredited properties
- ✓ Scheme newsletter issued bi-annually providing local, regional and national private rented sector development updates
- ✓ Regular forums providing educational sessions on matters essential for landlords/agents to know and also current topical matters
- ✓ Access to marketing material.
- ✓ Authority to use the scheme logo
- ✓ Recognition as a reputable landlord/agent providing good accommodation
- ✓ Up-to-date information on new legislation, initiatives or policies affecting the private rented sector
- ✓ Access to support and advice from housing professionals
- ✓ Discounts on services and products with local businesses
- ✓ Fast-track for landlords to obtain better access to information from local authority staff

LAO Responsibilities

- ✓ Promote, publicise, administer and monitor the Accreditation Scheme
- ✓ Assist landlords/agents in achieving Accreditation Status by providing information, support and advice
- ✓ Provide up-to-date information on legislation and best practice to landlords/agents via forum/training sessions/distribution of leaflets
- ✓ Maintain a database of accredited properties and landlords. Permission will be obtained from the participants before this is released and the Data Protection Act will be followed at all times
- ✓ Issue certificates of Accreditation to landlords/agents and for properties where applicable. Revoke/suspend accreditation status subject to agreed procedures
- ✓ Monitor progress, report and implement any changes agreed by the steering group
- ✓ Provide incentives to encourage landlords/agents to participate in the scheme

The Accreditation Process

Application form

The first stage of the process is for landlords/agents to complete and return the application form. Part of this application forms a fit and proper person test which is a self-declaration.

(See appendix A for definition).

Any signed application to the scheme is taken by the Council as giving consent to carry out checks relevant to the fit and proper person test including:

- That the applicant has not committed any criminal offence that indicates the applicant is unable to manage a property.
- Whether the applicant has a history of tenant harassment, illegal eviction or has been the subject of enforcement or investigation by the Council.

If any check does reveal adverse information and the landlord/agent fails this test, notification of the specific reason/s for the decision will be provided with details on how to appeal against this decision.

Assessment of Management Standards

The LAO will arrange to visit the landlord/agent where an assessment of the management standards will take place. Letting/managing agents should provide the full portfolio of properties together with the owner's contact details at this stage.

Failure to supply a full portfolio of properties may result in Accreditation status being withdrawn. Accredited Agents who own or manage their own properties must also ensure these properties are part of the portfolio.

Landlords/Agents will be provided with a certificate and marketing material once Accreditation has been awarded.

Accreditation of properties

Landlords shall allow for 100% inspection of all of their properties at the request of the Accreditation Officer as part of this Scheme. Landlords with large portfolios together with Managing Agents may agree to submit properties in batches at an agreed regular interval where inspections can take place. All landlords should provide information on changes to their portfolios on a regular basis. Failure to provide this information when requested may result in Accreditation status being withdrawn.

Landlords/agents shall submit the following information, to the Accreditation Officer, at the **time of the property visit**:

- Copy of tenancy agreement,
- The relevant Housing licensing certificate, where applicable;
- Annual gas safety Certificate, where applicable;
- Electrical inspection report if available;
- Fire safety certificate, where applicable;
- Copies of any Portable Electrical Appliance inspection reports;
- Energy Performance Certificates;
- Records of any repairs carried out whilst under instruction.

The Accreditation Officer will not give legal advice on any of the above documents but may refer you to the relevant Council Department for assistance if required.

Properties passing inspection will be awarded with an accreditation certificate and authorisation to use the relevant logo.

Accreditation of Property

The Housing Health & Safety Rating System (HHSRS)

The HHSRS is the method of assessing whether a property is free from unnecessary or avoidable hazards. The landlord should ensure that the property is maintained as far as is reasonably practicable, free of avoidable or unnecessary hazards as defined in the HHSRS. Landlords should make reference to the guide to HHSRS shown in Appendix C.

Licensed Properties

Where a property is required to be licensed under the provisions of the Housing Act 2004, the required compliance standards for the issue of a license will take precedence over the compliance standards for accreditation. A fast-track method will be used for any properties requesting accreditation that have previously been subjected and passed a Housing Act licensing Scheme.

Fire Safety and Security

As provisions vary widely it is important that the relevant British Standards must be met according to the individual property occupancy. Standards exist for:

- ✓ means of escape
- ✓ fire-warning systems
- ✓ extinguishers
- ✓ emergency lighting

Fire safety standards must be met according to the level of occupancy in individual properties. For example a single occupancy property will not have the same fire standard requirements as for a house in Multiple Occupation (HMO).

Peterborough City Council and Cambridgeshire Fire and Rescue are co-signatories to a memorandum of understanding concerning fire safety in single and multi-occupied residential accommodation.

Please see Appendix B for definition and guidance.

Gas appliance, Gas Supply and other forms of Heating

All installations, appliances and repairs to gas installations shall comply with current Gas Safety (Installation and Use) Regulations 1988.

All gas appliances should be serviced annually by a CORGI registered engineer and the tenant must be provided a copy of the safety check record. For those properties containing gas appliances audible carbon monoxide detectors should be installed in relevant areas in accordance with the manufacturer's recommendations.

Clear written instructions for the safe use of all central heating and hot water systems must be made available to the tenant at the commencement of the tenancy with an emergency telephone number to report gas leaks.

Gas Safety Certificates

Landlord Gas Safety Certificates (CP12) must be obtained annually following inspection by a CORGI registered gas installer. Certificates must cover all gas appliances, owned by the landlord, in the premises and a copy of the certificate must be provided to tenants (or put on display in an appropriate communal area for HMO's).

Heating

All properties should be provided with adequate and suitable space heating. Efficient and economic fixed heating or a controllable central heating system should be provided in principal rooms or bed sits with suitable provision for other rooms. The recommended temperatures are 18°C in bedrooms and bathrooms and 21°C in living rooms.

Portable bottled gas or paraffin heaters should not be provided as a heating source and landlords should instruct their tenants not to use them due to the high risk of fire and increased condensation.

Electrical installations and appliances

- All electrical installations (including wiring, switches and sockets) provided by the landlord should be certified as safe by a competent electrician in accordance with the current relevant legislation. It is recommended that a document of verification is obtained showing the electrical wiring of the dwelling is in a safe and satisfactory condition and stipulating the timescale within which the next safety check should be carried out.
- All components used in electrical wiring installations and repairs must conform to electrical safety standards in accordance with the Institute of Electrical Engineers Wiring Regulations. All appliances must be installed in accordance with the manufacturer's instructions.
- All electrical appliances provided by the landlord, under the terms of the tenancy, should be safe and function effectively. It is recommended that appliances should be inspected for wear and tear by the landlord/agent prior to each new tenancy and at regular intervals (minimum yearly) during the tenancy period. Compliance with these requirements can be achieved by the use of a Portable Appliance Test (PAT).
- The landlord should provide instructions for the safe use of all electrical appliances (including cookers, space and water heaters, fridges and freezers).
- It is recommended that landlords should have an electrical installation check on their properties by a qualified engineer on a regular basis in accordance with electrical safety regulations.
- In addition to the above requirements the landlord/agent should complete a visual inspection of the electrical installations on an annual basis for signs of obvious damage and in-between tenants

Energy Efficiency

All properties should be provided with a reasonable level of energy efficiency measures that aims to achieve a SAP rating of at least 65. A SAP rating of 35 and under would indicate a category 1 Hazard under HHSRS (Thermal Comfort) and fail the property assessment.

Energy efficiency improvements should be, where practicable, incorporated into refurbishment projects and repairs.

Tenants and landlords are encouraged to seek further advice from Energy Efficiency Advice Centre's (EEACs) or local authority Energy Efficiency Officers. Fast-tracking facilities are available once properties are accredited.

Landlords are encouraged to allow tenants to take advantage of energy saving schemes or grants where available.

Energy Performance Certificate

From 1 October 2008 it is a legal requirement for all newly tenanted properties to have an Energy Performance Certificate (EPC). An EPC is similar to the energy performance certificate provided by domestic appliances such as refrigerators and washing machines. The EPC provides a rating for the energy performance of a home from A to G, where A is very efficient and G is very un-efficient.

The EPC shows two things about the house:

- The energy efficiency rating (this is based on how much the home would cost to run)
- The environmental impact rating (this is based on how much carbon dioxide is released into the environment because of the home)

A recommendation report forms part of the certificate. This provides a range of improvement measures which could improve the energy performance of the home. An EPC is only authentic if issued by an accredited Domestic Energy Assessor (DEA). Details of accredited DEA's can be provided by the LAO or found at www.epcregister.com.

Furniture and Furnishings

All furniture and furnishings in the property and provided by the landlord shall comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended in 1989 & 1993). Products covered by the regulations include:

- Furniture for personal use (including children's);
- Beds, headboards and mattresses;
- Sofa beds and futons;
- Nursery furniture;
- Garden furniture which could be used internally;
- Cushions & seat pads;
- Pillows, loose & stretch covers for furniture.

Compliance should be assessed by checking for a manufacturer's permanent label that states the item meets the requirements together with the warning 'CARELESSNESS CAUSES FIRE'.

Visual Appearance

During the tenancy, the landlord or the tenant (depending on contractual obligations) shall maintain the visual appearance of property, outbuildings, garden, yard and boundaries in a reasonable state. Between tenancies the landlord shall also maintain his property so as not to detract from the visual amenity of the area.

Buildings insurance

All properties must have appropriate building insurance which must cover third party liability. Insurance cover must be maintained for the period of the letting.

Kitchen facilities

Kitchens should have appropriate facilities for the storage, preparation and cooking of food, which is suitable for the number of occupants using the kitchen.

The kitchen should be clean and hygienic at the start of the tenancy and must be able to be maintained as such throughout occupation.

Toilet and personal washing facilities

An adequate number of suitably located WC's, baths and/or showers and washbasins will be provided. The toilet and washing facilities should be clean and hygienic at the start of the tenancy and suitable and suitable to easily maintain to this standard throughout the tenancy. Bathrooms which are not fitted with external windows should be fitted with suitable mechanical ventilation which meets the current building standards.

Management Standards

Whilst the physical standards of the property are an important part of the accreditation process, areas that cause most complaints are those relating to the management practices and standards of the Landlord or Managing Agent.

Therefore, Peterborough Accredited Landlords Scheme also includes the compliance of management criteria and an assessment of the following practices:

Advertising

Landlords/agents shall ensure that when advertising a property to let, the property is described accurately and in accordance with all current legislation. Information which should be available to all prospective tenants at the first enquiry includes:

- ✓ Type and description of property;
- ✓ Amount and frequency of the rent and the inclusion of any service/utility or council tax charges;
- ✓ The amount of deposit required and how the deposit is protected;
- ✓ The tenant's insurance liabilities, if any;
- ✓ The accommodation that is provided (exclusive/shared use);
- ✓ Any restrictions or requirements in relation to its use;
- ✓ Details of the furniture and furnishings provided;
- ✓ A contact name, address or phone number;
- ✓ The date the property will be available.

Fees

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

Tenant referencing

In the interest of good management practice, landlords/agents are encouraged to request tenant references before the start of the tenancy. Where possible, these references should be verified or a referencing service should be used to confirm that the details provided are correct. Landlords/agents should be able to demonstrate that they collect and verify references in their management procedures. A tenant referencing form is the suggested method for landlords/agents to show that they follow this procedure correctly.

Pre-tenancy viewings

Any viewings shall take account of the rights of any existing tenant not to be unreasonably disturbed pursuant to the terms of their tenancy or otherwise. A twenty-four hour notice period requesting viewing access is considered reasonable whether this is verbal or a written request (email/letter/text).

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 full discharged or will be carried out by a date agreed with the tenant/s. Any pre-tenancy repairs or intentions on the part of the landlord to undertake improvements should be confirmed in writing.

Tenancy agreement

There must be a proper written tenancy agreement in place to protect both the landlord and the tenant. The agreement must be written in clear, legible English and contain no contractual terms that conflict with any statutory or common law entitlement of the tenant or the terms of this scheme.

The tenancy agreement should specify the name and current registered address of the landlord, or the address and telephone numbers of any managing agent or persons acting on behalf of the landlord.

The tenancy agreement should clearly state:

- What rates, taxes, services or other charges are included in the rent and which are not. The landlord's responsibilities for maintaining these services should also be detailed.
- The length of the contract and any review period for changing the rent should be made clear.
- Amount and frequency of the rent payable;
- Information on the maximum number of people (adults and children) permitted to live in the property at any one time

Where a deposit is required, the tenancy agreement must specify:

- The deposit amount;
- Details of the tenancy deposit protection scheme to be used.

To encourage good management practice, the landlord/agent and tenant should each have a copy of the tenancy agreement, signed and dated by both parties.

Landlords/agents should provide a rent book if the rent is paid weekly.

Inventory

An inventory should be taken at the beginning of each new tenancy.

The inventory can be in written, photographic or video form (with proofs of date) as appropriate. Any defects or damage should be clearly noted at this time. Both the landlord and tenant should acknowledge the inventory as a true and accurate record. For example, where the inventory is in written form, it should be initialed on all pages by the landlord/agent and tenant and signed and dated by both parties within 14 days of commencement. Any amendments to the inventory should be agreed and recorded. Both the landlord/agent and tenant should each have a signed copy.

At the end of the tenancy the inventory should be checked – preferably in the presence of the tenant.

Deposits

Legislative requirements came into place on April 6, 2007 requiring that all deposits taken by landlords/agents for assured shorthold tenancies are to be protected using a tenancy deposit protection scheme. The deposit, to cover agreed dilapidation and arrears of rent, should not exceed more than two months rent.

Landlords/agents will be able to choose between two types of scheme:

- Custodial scheme - where the deposit is lodged with an independent third party i.e. outside the control of the landlord/agent.
- Insurance based scheme - allowing the landlord/agent to retain control of the deposit as long as they are subject to suitable insurance arrangements.

The government has awarded contracts to three companies to run tenancy deposit schemes.

The three schemes are:

- The tenancy Deposit Protection Scheme – this is a custodial scheme open to all landlords and agents. Contact www.depositprotection.com
- Mydeposits (Previously run as Tenancy Deposit Solutions Ltd) – this is an insurance based scheme aimed primarily at landlords. Contact www.mydeposits.co.uk
- The Tenancy Deposit Scheme – this is an insurance based scheme aimed primarily at agents. Contact www.tds.gb.com

Landlords/agents that fail to protect a deposit under one of these schemes will be breaking the law. They will be unable to issue S21 notices, and may have to pay the tenant compensation of up to three times the deposit. The new schemes will be supported by an alternative resolution service. This should mean that disputes over the repayment of deposits are dealt with quickly and cheaply thereby reducing the need to go to court.

Procedures must be in place to provide evidence that:

- ✓ The landlord/agent **is** a member of a tenancy deposit protection scheme.
- ✓ The deposit **is** safeguarded within 14 days of receipt.
- ✓ The tenant **is** provided with details of the scheme.

If you would like further information about tenancy deposit protection schemes, please contact the scheme administrators as detailed above.

A **holding deposit** is the sum of money given to the landlord/agent to reserve the property for a fixed period of time – i.e. the property will not be advertised again or let to anyone else during this time. Funds must be cleared before the tenancy agreement can be signed. Large up front cash payments should not be taken.

Repairs & maintenance

The landlord/agent must maintain the property in a satisfactory state of repair and have an established repair response system. Details of emergency contact telephone numbers should be provided to the tenant's. Landlords/agents should keep a written record of all reported repairs and any action taken.

The following illustration of a repairs completion performance standard should be aimed for:

1. *Emergency Repair* – Repairs that affect or are likely to affect the Health & Safety of the occupants such as burglary damage, structural collapse, fire or burst pipes, or are likely to put them at risk, or are likely to seriously affect the comfort of the occupants, including failure of essential heating appliances during period of cold weather; or serious damage to the building that may affect the occupant and/or their belongings. The landlord/agent shall ensure that emergency repairs are responded to and made safe within 24 hours of being reported to them where practical.
2. *Urgent Repair* – Repairs likely to affect the comfort levels of occupant or are likely to contribute towards a non-emergency health & safety risk. Urgent repairs should be responded to and rectified within five days of being reported, where practicable.
3. *Non-Urgent Repair* – Repairs that do not immediately affect or are unlikely to affect the comfort of the occupant or do not pose as a health & safety risk, or do not fall within any other priority category. Non urgent repairs must be responded to within 28 days of being reported.

4. *Planned Maintenance* – The landlord/agent shall ensure that occupants/tenants are given at least one weeks notice of any planned maintenance or servicing, unless it falls into an emergency or immediate repair category. The landlord/agent should provide details of who the tradesman will be, and the time and date that they are due to attend.

Landlords/agents should provide the tenant with a minimum of 24 hours notice in writing before entering the property, except in the case of emergency.

Where there is a dispute between the landlord/agent and tenant as to when a repair was reported then the date on which the repair was reported to the landlord in writing shall be the accepted date. Landlords/agents are recommended to tell their tenants to send any such letters by recorded delivery post or hand delivered.

Waste Management

Issues of waste management have been split into three areas:

Bins

- ✓ Landlords/agents must make sure the bins supplied at a property meet the standards for duty of care. They must provide safe, suitable, sufficient and secure storage of waste materials. It shall be the responsibility of the landlord/agent to provide the Council with up to date and accurate information regarding the number of tenants in each property so that the Council can provide the appropriate number of bins.
- ✓ Landlords/agents should inform all tenants of their duties regarding the disposal and storage of rubbish and recycling arrangements. Tenants should know where the rubbish bins are located, when they are emptied and that the correct waste is placed in the correct bin.
- ✓ Landlords/agents shall ensure that on the termination date of a tenancy that bins are empty or ready for collection, arrangements are made to remove any excess waste and that there are adequate waste bins provided for the next tenants.

Waste on land

- ✓ Landlords/agents shall ensure that waste is not allowed to accumulate on land or property which they manage or own. Waste left by previous tenants must be disposed in the appropriate manner and waste should not be allowed to accumulate at the property.
- ✓ During each tenancy period the landlord/agent shall conduct regular checks of the property and all associated land, outbuildings etc to identify any waste issues and/or accumulations of waste. This check should be incorporated into the quarterly inspection. The landlord/agent will ensure that waste is only stored in the appropriate bin, between collections and that no other waste is allowed to accumulate at the property or on associated land.

Proper disposal of waste materials

- ✓ Any waste which the landlord/agent wishes to dispose of must be removed legally. If using contractors to undertake the work waste documentation, i.e. transfer notes, receipts etc, must be retained for two years and made available for inspection by an authorised officer. Tenants should also be made aware of how to dispose of excess waste in a legally responsible manner. A landlord/agent who transports tenants waste must have a Waste Carriers Licence to do so.

Anti-social behavior and noise control

Whilst landlords/agents have no legal responsibility for the behaviour of their tenants, they should use reasonable endeavour to tackle anti-social behaviour/noise disturbance and will take a measured response in the light of the circumstances.

The tenancy agreement must contain a clause requiring the tenant, any person living on the premises and/or any visitors not to cause a nuisance or behave in an anti-social manner and/or cause problems for neighbours or local residents. The tenants should be made aware at the commencement of the tenancy that such behaviour constitutes a breach of the agreement and could ultimately lead to Court proceedings.

Landlords/agents are encouraged to work in partnership with those agencies aiming to reduce anti-social behaviour and nuisance such as the Police and the Council's Anti-Social Behaviour Unit. The Police and Anti-Social Behaviour Unit have no powers to resolve noise issues, but could assist in evidence gathering. The LAO will be able to give advice on this matter.

Control of vermin and insect pests

- ✓ Landlords/agents shall ensure that the appropriate action is taken to eradicate any rodent or insect pests found to be infesting the property or land which forms part of the property which is reported to them during a tenancy.
- ✓ Landlords/agents shall inspect the property and land which forms part of the property for any evidence of insect or rodent pest infestation immediately between tenancies. Any rodent or insect pest infestation must be eradicated before the property is let to a new tenant.
- ✓ Landlords/agents shall ensure that any recommendations made by pest control technicians relating to disrepair at the property or on land that forms part of the property are remedied in accordance with those recommendations to prevent re-infestation.

Scheme awareness

The tenant should be made aware that they will be living in an Accredited Landlord property at the start of the tenancy.

Landlord/agent conduct

The landlord/agent must ensure that business is carried out in a professional and courteous manner at all times. The landlord/agent must not act in a manner that brings the accreditation scheme into disrepute.

Property compliance

Accredited landlords/agents must comply with all the scheme requirements and ensure that the property/s meet the required scheme standards at all times. If a property fails to comply with the standards, the LAO shall work with the landlord/agent to agree a timescale to bring the property up to standard. Failure to comply will result in the property being removed from the accreditation scheme. Audits may be carried out on randomly selected properties that have reached accreditation during the three year certification.

Equal Opportunities

No person or group of persons will be treated less favourably (before, during or after a tenancy) than any other person because of their race, color, ethnic or national origin, gender, age, disability, marital status, sexual orientation, religious belief or social status.

Complaints and Appeal Process

Complaints from tenants

Landlords/agents should have written procedure for dealing with complaints from tenants. This should be given to tenants at the start of the tenancy that makes it clear;

- How the tenant should make the complaint
- Who will consider the complaint
- How long it will take to respond to the complaint

The procedure should aim to resolve complaints quickly and reasonable so that courteous relations are maintained through the dispute.

Where the tenant or landlord/agent is not satisfied with the response, and/or where the LAO or Tenancy Relations Officer (TRO) considers that a landlord/agent has breached the code then the following actions will be considered;

- Minor failings of the scheme standards can be resolved informally between the LAO/TRO and the relevant parties.
- Moderate failings may lead to suspension of Accreditation Status. Moderate failings are ones that affect the comfort of the tenants but do not affect their safety or well-being. A letter will be sent to the landlord/agent advising them of the action that needs to be taken in order to regain Accreditation Status.
- Major serious failings may lead to the Accreditation Status being revoked. Major failings can include those incidents which could compromise the health & safety of tenants or neighbours. A letter will be sent to the landlord/agent advising them that their Accreditation Status has been revoked and that they should no longer be marketing as Accredited. If the breach is an issue that should be dealt with by way of enforcement action, the enforcement team of the Council shall be notified at this point.

Refusal of Accredited Status

Accredited status may be refused if:

- The property does not meet accreditation standards. In this case landlords/agents will be advised in writing of the works needed. Once these works have been done, the property can be resubmitted for accreditation.
- Checks show that there are management problems linked to the landlord such as failure to comply with notices or incidents of tenant harassment. The nature, severity and timescale of the problem will be taken into consideration but may result in accreditation being refused, suspended or revoked.

Breach of Scheme

The landlord/agent will not be permitted to use the scheme in any publicity or promotional material whilst the code is considered to be in breach nor will the landlord be eligible for any of the benefits of the Scheme whilst in a disputed stage.

Appeals procedures

Landlords/agents who disagree with the decisions made by the LAO to refuse, suspend or revoke accreditation membership have the right to appeal to an independent Accreditation Review Board. This appeal should be made in writing.

For more information on the independent Accreditation Review Board please contact the PETERBOROUGH CITY COUNCIL/private sector housing services.

Appendix A

Definition of a fit and proper person

A fit and proper person is defined in the Housing Act 2004 as one who has not had any relevant unspent convictions and in particular:

- Committed any offence involving fraud or other dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);
- Committed 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;
- Contravened any provision of the law relating to housing or of landlord and tenant law: Or Acted otherwise than in accordance with any applicable code of practice approved under section 233;

During the last five years neither the applicant nor any person associated or formerly associated with him/her have:

- Been in control of any property subject to a control order under section 379 of the Housing Act 1985;
- Been refused a licence or had a licence removed for any property in relation to HMO, additional or selective licensing under the Housing Act 2004;
- Been found to have breached a condition on a licence for any property in relation to HMO, additional or selective licensing under the Housing Act 2004;
- Been found by a local authority to have acted otherwise than in accordance with any Code of Practice approved under Section 233 of the Housing Act 2004;
- Been in control of any property that has been the subject of any proceedings by a local authority (such as breaches of the Environmental Protection Act, planning control of compulsory purchase proceedings.);
- Been in control of any property on which the local authority has carried out work in default; or
- Been in control of any property, which has been the subject of an interim or final management order or a special interim management order under the Housing Act 2004.
- No outstanding overpaid Housing Benefit owed by the individual, their company or letting agent that is not in the appeal process or where there has already been an agreement to repay.
- No Council Tax or NNDR (National Non Domestic Rates) bills are outstanding unless there is an Appeal or an arrangement to pay has already been agreed.

Appendix B

Fire Safety

Guidance on fire safety Provisions for certain types of existing Housing

The guide to standards underpinning this agreement is the Local Authority Coordinators of Regulatory Services (LACORS) 'Housing – Fire Safety'*. This guide provides information on the fire safety requirements of both the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005, as it applies to this type of occupancy.

As with all health and safety matters relating to domestic accommodation, the risk to occupants from fire is assessed using the Housing Health and Safety Rating System. Once the level of risk is determined, the guidance is applied to the specific elements causing the hazards as a tried and tested method of removing or reducing those risks to an acceptable level.







As **best practice** indicators, the following recommendations are made:

- Fire risk assessments: It is recommended that all properties are assessed and where necessary a short written report provided as part of the property portfolio. The LACORS guide provides good practical advice on conducting fire risk assessments.
- All properties should be provided with some form of smoke detection. The relevant British Standard (BS 5839-6:2004) requires a hard wired system to Grade C category LD3 (mains powered interlinked smoke alarms in the circulation areas). As a short term minimum, battery powered detectors are acceptable, but these must be securely fixed to the ceilings, and be preferably be tamperproof so that tenants cannot remove the batteries. Where these detectors are fitted, there must have a system in place to ensure battery replacement annually. There should be a timetable in place for upgrading a battery powered system to a BS 5839 compliant system. This timetable must be agreed with the Landlord Accreditation Officer as part of the accreditation process.
- Every kitchen in every property should be provided with a fire blanket, fixed to the wall in a suitable location where it will not become obstructed.
- The lock on the front door, and other main exit doors which could be used as exits in an emergency, should be fitted with locks which do not require a key to open them from the inside. Where lock changes are needed, a timetable for upgrading to suitable locks must be agreed with the Landlord Accreditation Officer as part of the accreditation process.
- It is recommended that a fire safety log book should be kept for each property. All activities should be recorded, such as:
 - ✓ Service history and any fire alarm tests
 - ✓ Records of any false alarm calls made
 - ✓ Maintenance history
 - ✓ Fire fighting equipment test and relevant servicing.
 - ✓ Copies of any fire risk assessment,
 - ✓ What advice has been given to tenants and when.

It is important to note that some of the above recommended practices and procedures are statutory requirements in certain circumstances, for example in HMOS, whether licensable or not.

Housing – Fire Safety. Guidance on fire safety provisions for certain types of existing housing. Published by LACORS (ISBN 978-1-84049-638-3)

Appendix C

| | | | | |
|--|---|--|---|---|
| <p>1 Damp and mould growth Caused by dust mites, mould or fungal growths caused by dampness and/or high humidities. It includes threats to mental health and social wellbeing caused by living with damp, damp staining and/or mould growth. Most vulnerable: 14 years of less</p> | <p>4 Asbestos (and MMF) Caused by exposure to asbestos fibres and manufactured mineral fibres (MMF).  Most vulnerable: no specific group</p> | <p>6 Carbon monoxide and fuel combustion products Hazards due to excess levels of carbon monoxide, nitrogen dioxide, sulphur dioxide and smoke in the dwelling's atmosphere.  Most vulnerable: CO, 65 years plus, 80% SO₂ and smoke, no specific group</p> | <p>8 Uncombusted fuel gas The threat of asphyxiation due to fuel gas escaping into the atmosphere within a dwelling. Most vulnerable: no specific group</p> | <p>7 Lighting Threats to physical and mental health linked to inadequate natural and/or artificial light. It includes the psychological effect associated with the view from the dwelling through glazing.  Most vulnerable: no specific group</p> |
| <p>2 Excess cold From sub-optimal indoor temperatures.  Most vulnerable: 65 years plus</p> | <p>3 Biocides Threats to health from those chemicals used to treat timber and mould growth in dwellings. Insecticides and rodenticides to control pest infestations (e.g. cockroaches or rats and mice), these are not considered for the purposes of the HHSRS. Most vulnerable: no specific group</p> | <p>7 Lead Threats to health from the ingestion of lead. Most vulnerable: under 3 years</p> | <p>10 Volatile organic compounds VOCs are a diverse group of organic chemicals which includes formaldehyde, that are gaseous at room temperature, and are found in a wide variety of materials in the home. Most vulnerable: no specific group</p> | <p>11 Noise Threats to physical and mental health caused by noise exposure inside the dwelling or within its curtilage. Most vulnerable: no specific group</p> |
| <p>3 Excess heat Caused by excessively high indoor air temperatures. Most vulnerable: 65 years plus</p> | <p>8 Radiation This category covers the threats to health from radon gas and its daughters, primarily airborne, but also radon dissolved in water. While rare, leakage from microwave ovens might also be considered. Evidence of health risks from low-level exposure to electro-magnetic fields from phone masts have not, to date, been proven. Most vulnerable: all persons aged between 60 and 64 years who have had 150 hours exposure to radon</p> | <p>9 Crowding and space Health hazards linked to a lack of living space for sleeping and normal family/household life. Most vulnerable: no specific group</p> | <p>11 Entry by intruders Problems keeping a dwelling secure against unauthorised entry and the maintenance of defensible space.  Most vulnerable: no specific group</p> | <p>12 Domestic hygiene, pests and refuse Health hazards due to poor design, layout and construction to the point where the dwelling cannot be readily kept clean and hygienic; access into, and harborage within, the dwelling for pests; and inadequate and unhygienic provision for storing and disposal of household waste.  Most vulnerable: no specific group</p> |

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Housing Health and Safety Rating System hazards as defined in the 2005 Regulations

16 Food safety

Threats of infection due to inadequate facilities for the storage, preparation and cooking of food.

Most vulnerable:
no specific group

17 Personal hygiene, sanitation and drainage

Threats of infection and threats to mental health associated with personal hygiene, including personal washing and clothes washing facilities, sanitation and drainage.

Most vulnerable:
children under 5

18 Water supply

The quality and adequacy of the water supply for drinking and for domestic purposes such as cooking, washing, cleaning and sanitation. Also threats to health from contamination by bacteria, protozoa, parasites, viruses, and chemical pollutants.

Most vulnerable:
no specific group

19 Falls associated with baths etc

Falls associated with a bath, shower or similar facility.

Most vulnerable:
60 years plus

20 Falling on level surfaces etc

Falls on any level surface such as floors, yards and paths. It also includes falls associated with trip obstructions, thresholds, or ramps, where the change in level is less than 300mm.

Most vulnerable:
60 years plus

21 Falling on stairs etc

Fall associated with stairs, steps and ramps where the change in level is greater than 300mm. It includes falls on internal stairs or ramps within the dwelling, external steps or ramps within the curtilage of the dwelling, internal common stairs or ramps within the building, access to the dwelling, and to shared facilities or means of escape in case of fire. It also includes falls over guarding (balustrading).



Most vulnerable:
60 years plus

22 Falling between levels

Falls from one level to another, inside or outside a dwelling, where the difference in levels is more than 300mm. For example, falls from balconies or landings, falls from accessible roofs, into basement wells, and over garden retaining walls.

Most vulnerable:
under 5 years

23 Electrical hazards

Hazards from electric shock and electricity burns, including from lightning strikes.



Most vulnerable:
under 5 years

24 Fire

Threats from uncontrolled fire and associated smoke. It includes injuries from clothing catching alight, which appears to be common when people attempt to put out a fire. It does not include clothing catching alight from a controlled fire by reaching across a gas flame or an open fire used for space heating.

Most vulnerable:
60 years plus

25 Flames, hot surfaces etc

Burns or injuries caused by contact with a hot flame or fire, and contact with hot objects or hot, non-water based liquids and solids – injuries caused by contact with hot liquids and vapours. It includes burns caused by clothing catching alight from a controlled fire or flame.

Most vulnerable:
under 5 years

26 Collision and entrapment

This category includes risks of physical injury from trapping body parts in architectural features, such as trapping limbs or fingers in doors or windows. Most vulnerable under 5 years by striking (colliding with) objects such as architectural glazing, windows, doors, low ceilings and walls.



Most vulnerable:
10 years over

27 Explosions

Threat from the blast of an explosion, from debris generated by the blast, and from the partial or total collapse of a building as the result of an explosion.

Most vulnerable:
no specific group

28 Position and operability of amenities etc

Threats of physical strain associated with functional spaces and other features of dwellings.



Most vulnerable:
60 years plus

29 Structural collapse and falling elements

The threat of the dwelling collapsing, or of an element or a part of the fabric being displaced or falling because of inadequate fixing or design, or as a result of adverse weather conditions. Structural failure may occur internally or externally.

Most vulnerable:
no specific group

Appendix D

Legislation

Landlords/agents must comply with all legislation relating to property management and pay particular attention to the legislation set out below:

- ✓ Landlord and Tenant Act 1985
- ✓ Housing Act 1996
- ✓ Housing Act 2004
- ✓ Protection from Eviction Act 1977
- ✓ Defective Premises Act 1972
- ✓ Furniture and Furnishings (Fire) (Safety) Regulations 1988
- ✓ Trades Description Act 1967
- ✓ Misrepresentation Act 1967
- ✓ Gas Safety (Installation and Use) Regulations 1998
- ✓ Building Regulations (2006) Part P (Electrical Safety in Dwellings)
- ✓ Environmental Protection Act 1990

**NB. This is not an exclusive list and legislation may change.
It is the landlord's responsibility to keep themselves abreast of any changes.**

Appendix E

Disclaimer

Peterborough City Council does not accept any liability for actions or decisions taken by landlords/agents or tenants as a result of the awarding of accreditation status. Accreditation should be used as a general guide that the property and landlord are likely to meet certain minimum standards in relation to physical condition, amenity standards and general management standards and practices.

Peterborough City Council reserves the right to alter or suspend the Accreditation Scheme and there may be a waiting list in place when arranging property inspections. The Landlord Accreditation Officer does not guarantee to deal with accreditation applications within a set time, due to unforeseen fluctuations in demand.

Accreditation does not prove compliance with the law, nor does it protect landlords/agents or tenants from other types of enforcement action resulting from non-compliance with the law, which may or may not fall within the remit of the LAO.

Peterborough City Council does not accept responsibility for dealing with any other matters or problems between landlords/agents and tenants of accredited properties. Even where matters or problems are reported that relate to non-compliance with the Accreditation standards, the Council's remit of involvement only extends to withdrawal of the Accreditation status. It does not extend to dealing with matters in any further detail except where other types of enforcement action due to non-compliance with legislation for which the Council is responsible for enforcing, exist.

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Appendix F

Data Protection Act 1998

Peterborough City Council respects your personal information and undertakes to comply with the Data Protection Act 1998.

We promise to use your personal information only to deal with and maintain your application or membership as part of this Scheme. We may provide or receive information about you or your company, but only within the context of your application or the maintenance of your membership to this scheme.

Peterborough City Council is the registered Data Controller. Any queries regarding the processing of your personal data should be directed to the Landlord Accreditation Officer.

Appendix G

Glossary of Terms

| | |
|-----------------------------|--|
| Accreditation Scheme | Peterborough City Council Landlord Accreditation Scheme (pals) |
| Code of Practice | The document that landlords agree to abide by when they join the scheme. |
| Agent | The term used in this document to describe the Managing Agent or Letting Agent that has been authorised to manage a property by the owner. |
| Landlord | The term used in this document to describe the applicant to the Accreditation Scheme and the owner of the property. |
| Tenant | The person (s) living in the property accredited under this scheme and who is named on the tenancy agreement. |
| CORGI | The Council of Registered Gas Installers. A regulatory body for gas installers. All CORGI registered engineers will carry a card that contains a photograph of the employee, their trading title, their CORGI registration number and the expiry date of the card. The back of the card will give details of the types of gas work that they can carry out. (If necessary, CORGI can provide evidence of registration and confirmation that any certificate of registration is valid.) |
| HHSRS | The Housing Health & Safety Rating System is the method of assessing the condition and suitability of the property in conjunction with this scheme. |
| HMO | A house in multiple occupation (HMO) is a building or part of a building, such as a flat, where people share a kitchen, bathroom or cooking facility. For further information and guidance on HMO's, contact your local enforcement officer or visit the Department for Communities and local government web site http://www.communities.gov.uk |
| SAP Rating | The standard Assessment Procedure (SAP) is the Government's recommended system for energy ratings of dwellings. SAP measures the energy efficiency of homes, the higher the rating the more energy efficient the property. The rating is expressed on a scale of 1 to 120, based on annual energy costs for space and water heating. |

Appendix H

Frequently Asked Questions

Q. Do all of my properties have to be accredited?

A. *Yes, you are requested to declare your full portfolio of properties. Once each individual property is accredited then you will be able to market it as such.*

Q. What if my property or management standards do not meet the accreditation standards?

A. *The Landlord Accreditation Officer will work **with** you to rectify any failures within agreed specific time scales.*

Q. How long does accreditation last?

A. *Accreditation lasts for 3 years. An audit may take place after one year to ensure standards are being upheld.*

Peterborough Accredited Landlords Scheme

Application Form

Please complete all the following questions and return to:
 Michelle Hudson-Smith, Landlord Accreditation Officer, Private Sector Housing
 Peterborough City Council, Bayard Place, Broadway, Peterborough PE1 1HZ
 Tel: 01733 864127 Email: michelle.hudson-smith@peterborough.gov.uk

Your full contact details

Name:

Business Telephone:

Mobile Telephone:

Address:

Fax. Number:

Email Address:

Website:

Full trading contact details

Trading as (if applicable):

Company Directors or Partners:

Accreditation information

Do you own any properties that have required a HMO licence?

Yes No

Have you ever been refused a licence

Yes No

Where did you find out about the Landlord Accreditation Scheme?

List of accredited landlords

I would like to be included on Peterborough City Council's approved list of accredited landlords Yes No

Signed:

Dated:

Fit and proper assessment (as defined under the Housing Act 1974 and Appendix A on the Scheme Document)

Only unspent convictions need to be declared.

Have you or any person who will be involved in the management of the property been convicted of any offence involving:

| | | | | |
|--|-----|--------------------------|----|--------------------------|
| Fraud or dishonesty | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Violence | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Drugs offences | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Offences under Schedule 3 of the Sexual Offenders Act 2003 | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

Sentences of imprisonment exceeding 30 months can never be treated as spent and must be disclosed however long ago they were imposed. Please give details of unspent convictions:

(Continue on a separate sheet and attach to this form if necessary)

If you are unsure whether your conviction is spent or unspent, please contact the Landlord Accreditation team on 01733 864127

Declaration

I declare that I have read and understood the Code of Standards for membership of the Peterborough Accredited Landlords Scheme. All properties under my ownership/management, which are let to tenants whilst I hold membership of the scheme, will meet the terms and conditions of the Code of Standards (including those set out below), subject to any transitional arrangements agreed by Peterborough City Council.

I further declare that my conduct will be in accord with the provisions of the Code of Standards and that I will recognise the authority of a review panel and ultimately the Head of Housing in the administration of the code. I acknowledge Peterborough City Council's rights over the use of the council logo and for my part acknowledge and authorise the public disclosure of details relating to my membership of the scheme.

I declare that the information given on this form is, to the best of my knowledge and belief, true and correct. I also understand that any misrepresentation by me may lead to the withdrawal of my membership from the Peterborough Accredited Landlords Scheme.

Data Protection Act 1998

Peterborough City Council respects your personal information and undertakes to comply with the Data Protection Act 1998.

We promise to use your personal information only to deal with and maintain your application or membership as part of the Scheme. We may provide or receive information about you or your company, but only within the context of your application or the maintenance of your membership to this scheme.

Peterborough City Council is the registered Data Controller. Any queries regarding the processing of your personal data should be directed to the Landlord Accreditation Officer.

Listed below are the main requirements of the Peterborough Accredited Landlords Scheme. For additional requirements such as fire safety, please refer to the Code of Standards.

Tenancy agreement Please attach a sample copy of the tenancy agreement issued when entering into a tenancy agreement for the property (or properties) which is/are to be accredited (it will be checked for compliance with housing legislation and that minimum contractual requirements are included, which address issues including anti-social behaviour, neighbour nuisance, repair and maintenance.

Gas safety I hereby confirm that gas safety certificate(s) for the property (or properties) to which this accreditation membership applies, are held on the office premises for inspection upon request, and are renewed annually as required by law. This is a scheme requirement and your accreditation may be revoked if found to be in breach.

Electrical safety I hereby confirm that the electrical appliances supplied in the property (or properties) under the tenancy agreement(s) pertaining to it, to which this accreditation application applies, meet the standards under the Electrical Regulations or Building Regulations (BS7671).

Furniture safety I hereby confirm that to the best of my knowledge, the furniture supplied in the property (or properties) under the terms of the tenancy agreement(s) pertaining to it, to which this accreditation application applies, meet the Furniture and Furnishings (Fire Safety) Regulations 1998.

Signed:

Date:

Property Details

(If you have more properties please continue on a separate sheet and attach to this form, or alternatively, please provide the information in your own format.)

Please provide full details of all properties in your portfolio

Property address and postcode:

House Flat House in Multiple Occupation (HMO)
Number of storeys (including basements and attics)
Number of tenants when property is fully occupied
Name and address of legal owner:

Property address and postcode:

House Flat House in Multiple Occupation (HMO)
Number of storeys (including basements and attics)
Number of tenants when property is fully occupied
Name and address of legal owner:

Property address and postcode:

House Flat House in Multiple Occupation (HMO)
Number of storeys (including basements and attics)
Number of tenants when property is fully occupied
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Name and address of legal owner: