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**PRIVATE SECTOR HOUSING RENEWAL**

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**Responsible Cabinet Member(s) - Councillor Bill Dixon,  
Community and Public Protection Portfolio**

**Responsible Director(s) - Cliff Brown, Director of Community Services**

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**Purpose of Report**

1. To consider proposed changes to the Private Sector Housing Renewal Strategy and accompanying issues.

**Information and Analysis**

2. The Private Sector Housing Renewal Strategy, published in 2003 is now due to be updated and replaced. This paper comprises information on how the strategy needs to be updated, which will be used to consult further with Private Landlords and other key stakeholders in the remainder of the financial year 2005/06.

**Summary**

3. From April 2006 local authorities no longer receive any guaranteed funding for private sector housing investment and instead specific bids have had to be submitted to the Regional Housing Board. Whilst the outcome of the bids is not yet known it is clear that less funding will be available for home improvement work and there is an expectation for authorities to develop more innovative schemes. These includes moving from the provision of grants to loans, and working more proactively with landlords. The report also highlights key regulatory changes, which are required to be implemented in 2006 as part of the Housing Act 2004. The Government agenda for tougher regulation of privately rented properties includes the implementation of mandatory licensing for Houses in Multiple Occupation and the replacement of the current 'Fitness Standard' with a new Housing Health and Safety Rating System. Both of these require the application of rigorous standards and a significant increase in the workload of the Housing Renewal Team.

## Financial Assistance Packages

4. From April 2006, funding for private sector housing investment changes. Previously, funding for improvement grants and private sector investment has come from Housing Investment Programme (HIP) allocations, which until 2004 were administered directly by the ODPM. From 2004, allocations were made by the Regional Housing Board (RHB), with a guarantee of 'safety net' funding of 70% of previous HIP allocations for 2 years. From 2006 onwards, all allocations will be subject to a bidding process. The criteria for assessing applications clearly indicates the need to move to more innovative financial assistance models, such as loans and equity release, and also encourages sub-regional working. Freedoms for local authorities to offer such forms of assistance were granted in the Regulatory Reform Order of 2002, but the market has been slow to respond to the availability of these new tools.
5. For the 2006 to 2008 Regional Housing Board SHIP funding round, responding to guidance, Darlington Borough Council and its sub regional local authority partners, have been working together on a bid that built on existing co-operation in private sector housing, and sought maximum possible funding for each authority. The bid prioritises investment in empty properties, decent homes for the private sector, energy efficiency, implementation of licensing tools, and establishing a common house condition information base across Tees Valley. The detail of the bid that was approved by the Asset Planning Group and submitted to the RHB on the 30 September 2005 is attached in **Appendix 1**.
6. As well as promoting joint working and new initiatives to tackle issues such as empty properties, the bid required each authority to look at how grants may be delivered in the future. It has been abundantly clear throughout the process that continuing with a simple grants regime is not an option that the RHB would support. In the future, therefore, it is proposed that a system of financial assistance and loans will be offered as outlined in **Appendix 2**. The key proposals are to provide loans for improvement work instead of, or as well as, financial assistance, dependant on individual applicants circumstances. Essentially this means that any future financial assistance offered to private sector owner-occupiers or landlords will be recovered by the Council in the long term, to be re-invested in private sector financial assistance. This model ensures that funding from the public purse is kept to a minimum, and ensures that funding that is granted, is recycled and offered back to the community again as soon as is reasonable to do so, thereby ensuring future availability of the funding in the medium to long term. Financial assistance to those most in need and those in priority areas will be recovered by attaching a perpetual land charge to the property, compared to the current practice of attaching the land charge for the first 5 years as part of grant conditions. This means that the supported resident will have nothing to repay until the dwelling is sold. Funding from SHIP II is for 2 years, and therefore will sustain the scheme from April 2006 to March 2008, dependent on the final allocation from the RHB

7. The current grant regime offers Empty Property Assistance to landlords and it is proposed that this be discontinued. Whilst there have been some useful successes with the existing system, and it is the one area where some leverage of other resources was achieved, it is recognised that the Council's influence over management practices and dwelling conditions as a result of its investment is limited under current arrangements. In the future, it is proposed that landlords will only be able to access 100% repayable loans and this will also be subject to them being members of the Landlord Accreditation Scheme. This means that we can continue to support the work of landlords who choose to deliver high quality dwellings and management standards, and work with us to meet strategic housing needs. It will also act as a further incentive for joining the Accreditation Scheme. It should be noted that there have been significant achievements in terms of returning empty properties to use over the last 3 years, as demonstrated by the consistent above target performance for BVPI 64, and that the sub regional SHIP bid to the Regional Housing Board proposes a sub-regional approach to direct investment in empty properties. Furthermore, there are new tools for tackling empty properties as described at paragraph 16.
8. Under these proposals, the Council would continue to administer the financial assistance packages through the Home Improvement Agency partner, Care and Repair Darlington. The agreement between the Council and Care and Repair's parent body, Three Rivers Housing Association is due for renewal over the next 6 months, and it is proposed that this relationship be continued for a further two years owing to their good performance, commitment to partnership working and their contribution to the Authority's good BVPI performance for private sector housing.

### **Landlord Accreditation**

9. The Landlord Accreditation Code of Standards and Policy is being finalised currently in preparation for a launch of the scheme in January 2006 and details of these are attached at **Appendix 3 and 4** respectively. Discussions with landlords about the scheme are ongoing, but have been very productive and the Darlington and District Private Landlords Association has been very supportive of the scheme's development. A series of benefits to attract Landlords to this voluntary scheme has been successfully negotiated and it is hoped that the first members will be accredited before the end of January 2006.

### **Houses in Multiple Occupation (HMO) Licensing**

10. Following the need to implement the mandatory licensing of HMO's as laid out in the Housing Act 2004, the Housing Renewal Team have been making the necessary preparations. We have identified that, as at the 30 September 2005, there are 35 HMO's currently outside the registration scheme that will need a mandatory licence, equating to 171 households. Within the existing registration scheme, there are a further 39 HMO's that will need a mandatory licence, equating to a further 194 households. Inspections and discussions with owners are ongoing, and consequently these figures may alter over the coming months. It is proposed that a mandatory licence is to last for 5 years.
11. Statements issued within the last 2 weeks indicate that the secondary legislation and accompanying guidance required to deliver HMO licensing and other elements of the 2004 Housing Act will not now be enacted until the end of March 2006, therefore delaying implementation until early April 2006. The Housing Renewal Team are, however, already well prepared, and will operate a dual system of inspection from the beginning of 2006 to test new systems and prepare landlords and tenants for the new regime.

12. There is a need, however, to agree the level of fee that will be charged for a licence. The Housing Act 2004 makes it clear that local authorities should cover their costs when setting appropriate licence fees. Fees under the current HMO registration scheme are based on £50 per habitable room. However licensing involves much more intensive work and will require one full time dedicated officer. Costs over the five-year licence period have been estimated at £218,000 including salary costs, on-costs and overheads. Based on the current number of HMO's, which would require mandatory licence, it has been estimated that the new charge would need to be £600 per lettable unit. This would have significant financial implications for landlords, potentially disincentivising them from continuing in this market and creating significant additional housing supply pressures. Members may, therefore, wish to subsidise the charges, which is an approach that is consistent with the limited benchmarking information given in paragraph 13. In reality, the overheads associated with licensing are already being covered within existing budgets, and the only real additional cost to the Council is the cost of a full time officer to carry out this work and over 5 years the salary costs are just under £160,000, which would bring the fee down to £438.
  
13. Benchmarking undertaken to date shows a wide variation in approach with some neighbouring authorities indicating they will charge a nominal fee of around £50 per unit but providing a limited inspection regime including desk top reviews and inspections every 5 years rather than annually. Others such as Derby and Salford are preparing a more rigorous inspection regime in keeping with the Government agenda for tougher regulation of privately rented properties, particularly HMO's. Derby is planning to charge £706 for every HMO up to 6 units and £50 for each additional unit whilst Salford who have commissioned Price Waterhouse to work with them on a pricing policy are proposing charges of £467 per building. Both organisations however have much larger staffing ratios so there are economies of scale and more flexibility to absorb additional work so direct comparisons are relatively difficult. Wigan MBC, a 3 Star Authority for their Private Sector Work are looking at annual inspections and a potential fee of £50 per unit per year, which would broadly match with our options 3 and 4 below. Whilst there are ongoing discussions with the ODPM, LGA and other interested parties such as Price Waterhouse regarding the potential for a national pricing structure to be introduced, at this relatively late stage, we need to decide the most appropriate fee for our particular circumstances. Therefore four options are being proposed for further consideration:  
  
Option 1 – A fee of £600 per unit recovering salary, on-costs and overheads.  
Option 2 – A fee of £438 per unit to recover the direct salary and on-costs only.  
Option 3 – A fee of £250 with a shortfall of £70,000, over the 5 year period.  
Option 4 – A fee of £300, discounted to £250 for landlords who have received accreditation for their properties.

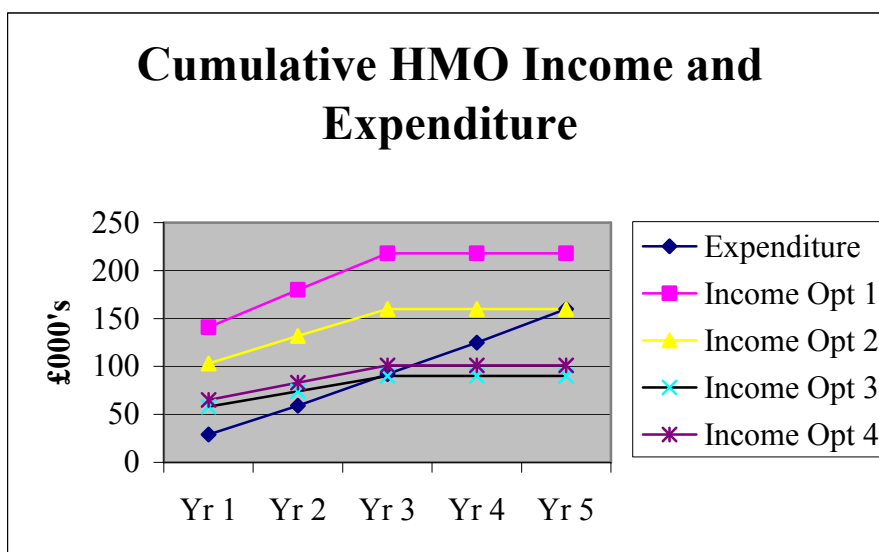
14. We are required to passport the 39 HMO's within the existing registration scheme into the new licensing scheme. This means that there will be a period of up to 3 years before they are liable for the new licence, but will in the meantime have to conform to the appropriate standards of licensing. The 35 HMO's currently outside registration will be immediately liable for the licensing fee. Table 1 below shows an estimate on how the fee income would be phased to reflect this.

**Table 1: Fee Income from April 2006 to March 2011.**

	<b>Option 1 £000's</b>	<b>Option 2 £000's</b>	<b>Option 3 £000's</b>	<b>Option 4 £000's</b>
<b>Year 1</b>	141	103	58	58 – 70
<b>Year 2-3</b>	77	57	32	32-38
<b>Years 4-5</b>	Nil	Nil	Nil	Nil
<b>Total</b>	<b>218</b>	<b>160</b>	<b>90</b>	<b>90 - 108</b>

15. Graph 1 below shows that with all options the fee income will almost cover the full cost of employing a full time Officer in the initial 3 years but with Options 3 and 4 additional resources would be needed for years 4 and 5.

**Graph 1 Fee Income Against Expenditure**



16. The mandatory definition of HMO's leaves a significant number of smaller HMO's within Darlington outside licensing controls. This is an unsatisfactory situation given the successes of the current registration scheme, which covered all HMO's, in delivering improvements in private sector dwelling conditions and the fact that HMO's are known to house more vulnerable residents. The Housing Act 2004 gives the opportunity for local authorities to apply to the Secretary of State for powers to additionally license other HMO's. This process is made simpler where an authority, such as Darlington has been given an excellent CPA rating. It is proposed that efforts be concentrated in the short term in delivering the mandatory scheme and a review be held 6 months after implementation of the mandatory scheme, to determine capacity to deliver additional licensing. Again, it is worth noting that should additional licensing powers be sought, a further 139 HMO's containing 360 households would be brought into the scheme, bringing additional income of between £90k and £216k depending on the fee option chosen, thus helping to offset any additional staffing costs that may arise from the further workload.

## **Enforcement Policy**

17. As the Housing Act 2004 changes the basic way in which housing conditions are assessed, the Housing Renewal Team have prepared a draft Enforcement Policy. There had previously been no such policy, and in order to fully justify the Council's approach to tackling private sector housing conditions, it was agreed that developing such a policy would match existing good practice in this field. The draft policy is attached as **Appendix 5**. This will be supplemented by the detailed policy on the application of the new Housing Health and Safety Rating System, once the revised guidance has been published by ODPM and the secondary legislation in this area has been enacted.

## **Empty Property Strategy**

18. A new Empty Property Strategy was drafted some time ago but in the light of the sub regional bid to the RHB for SHIP funding, this needs to be reviewed. It is proposed that the new Empty Property Strategy will also set out how Empty Dwelling Management Orders will be used in Darlington. These new powers enable the local authority to take over the management of an empty property, improve it to an appropriate standard and let it out, using the rental income to offset costs incurred in the renovation and management of the dwelling. Such powers will be the exception rather than the norm given the lengthy legal processes likely to be involved, but will be a further management tool.
19. The Empty Homes aspect of the sub regional bid to the RHB for SHIP funding is another tool that will also help us further in reducing the number of empty properties within the Borough. If successful we would commission a developer on a sub-regional basis to buy, improve, and offer for affordable rent, problematic empty homes. Each local authority would received 250k over 2 years and use this to lever in investment from the developer.
20. The final draft, therefore, of the Empty Property Strategy, will be incorporated within the wider Private Sector Housing Renewal Strategy to be developed following the enactment of secondary legislation, the publication of appropriate guidance, and a further period of consultation.

## **Housing Health and Safety Rating System (HHSRS)**

21. The Fitness Standard as described in various Housing Acts over the last 40 years is being replaced with the Housing Health and Safety Rating System, which was brought to the attention of members in a Social Affairs and Health Scrutiny Committee report, dated 8 March 2005. HHSRS inspections in particular require significant resources, well over and above previous Fitness Standard inspections with 29 hazard categories compared to the more broadly based unfitness standard. Based on feedback from ODPM training courses and practical experience to date, it is estimated that inspections will increase from 1 to 3 hours on average. The associated follow up work and enforcement action will also be more extensive than previously. Preparations for the changes have been under way for some time. Officers within the Housing Renewal Team are now qualified to undertake the new assessments. As the new HHSRS will become a keystone of the Decent Homes Standard, additional training has also been offered to officers in Housing Management, Planning and Building Control, Building/Technical Services and the Care and Repair Team.

22. Once again, we are awaiting secondary legislation and finalised guidance before the new system can be applied, but the Council is very well prepared for the implementation of the new scheme. However without additional staffing resources of at least half a new post it will not be possible to meet the required inspection and enforcement work. The estimated cost of this is around £14k per annum for which there is currently no budget.
23. As previously stated the HHSRS replaces the Fitness Standard as a component of the Decent Homes Standard, the way in which Decent Homes is measured changes as soon as HHSRS is to be implemented. Consequently, it has been agreed that studies will be undertaken over the next 18 months to re-assess the stock condition of both the Council's housing stock, and the wider private sector housing stock. Details of both of these reports will be available in due course.

### Delegated Powers

24. It will be necessary to seek appropriate delegated powers to enforce and apply the Housing Act 2004. However, as stated earlier in this report, secondary legislation is required before any new tools come into force, and therefore it is inappropriate at this time to seek new delegated powers, until the detail of the secondary legislation is known. Therefore, a further report on this will be prepared as soon as this is practicably possible.

### Staffing Resources

25. Table 2 below shows the current and proposed staffing structure together with associated costs, based on 2006/07 projections:

**Table 2: Staffing Costs**

<b>CURRENT</b>	<b>£</b>	<b>PROPOSED</b>	<b>£</b>
Housing Renewal Manager	34,346	Housing Renewal Manager	34,346
Housing Renewal Officer	30,072	Housing Renewal Officer	30,072
Landlord Accreditation Officer	26,275	Housing Renewal Officer (HMO Specialist)	28,140
PSA Funded Housing Renewal Officer (funding ends April 2006)	28,140	0.5 FTE Housing Renewal Officer	14,171
PSA funding removed for financial comparison purposes	(28,140)	Landlord Accreditation Officer	26,275
<b>Total</b>	<b>90,693</b>	<b>Total</b>	<b>133,004</b>

26. It can be seen that existing staffing resources comprise of three permanent positions of Housing Renewal Manager, Housing Renewal Officer and Landlord Accreditation Officer. A further temporary position of Housing Renewal Officer is currently funded under the PSA pump priming grants, to deliver increased performance for BVPI62 (unfit properties returned to use) and BVPI 64 (empty dwellings returned to use). Performance has been consistently above target and the PSA target will be met well before the end of the financial year. This means that the Council will receive Performance Renewal Grant of £196k as a direct result of this work. It is therefore proposed that the temporary post be made permanent to undertake the new mandatory licensing arrangements, which will be financed mainly from fees income as discussed in paragraphs 11 and 12 for the first three to five years of the scheme dependant upon which fee level option is agreed.
27. Resources will be extremely stretched to deliver the new HHSRS with a relatively small team and it is therefore proposed that a further part-time post be created from April 2006 on a temporary basis and this is reviewed in September 2006 when considering whether to extend the mandatory licensing scheme to all HMO's at which time a full time permanent post would be needed.

### **Financial Implications**

28. In respect of revenue funding every effort has been made to implement the new statutory requirements of the Housing Act 2004 without increasing additional costs to the General Fund. Provided the Council implements both mandatory and discretionary licensing there appears to be opportunities to complement HMO licensing at nil cost by generating fee income. However the HHSRS does not provide any similar opportunities and there will be a minimum requirement to recruit to an additional half a post from April 2006 at a cost of around £14k pa.
29. In respect of capital funding it has been confirmed that the sub regional bid for SHIP funding has not been successful for all key elements of the proposed private sector housing renewal activity. In anticipation of this shortfall in resources, internal capital programme bids were made for resources with respect to the revised financial assistance packages, the highly successful energy efficiency scheme operated in Darlington and for top up funding for our Disabled Facility Grant (DFG) allocation. These bids have been included for consideration in the review of the MTFP.

### **Outcome of Consultation**

30. A range of agencies including, private landlords and Housing Associations attended the Inclusive Forum held in November 2005. Feedback was generally very positive on the key principles and there was support for working in more detail with the Council on meeting its objectives. Three Rivers Housing Association are also interested in continuing to deliver the Care and Repair Scheme in Darlington on the terms outlined in the report.



## **Legal Implications**

31. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

## **Section 17 of the Crime and Disorder Act 1998**

32. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## **Council Policy Framework**

33. The issues contained in this report are required to be considered by Council.

## **Conclusion**

34. Significant progress is being made through the Landlord Accreditation Scheme and preparations for the new Housing Act 2004 powers. Furthermore, a revised financial assistance package coupled with a new enforcement policy will deliver a real step change in the capacity of the Council to influence dwelling conditions in the private sector. There are important resource implications, but a significant proportion of additional costs can and properly should be funded through the HMO licensing scheme.

## **Recommendation**

35. It is recommended that in order to progress a number of changes will be required as follows:-
  - (a) New financial assistance packages, as outlined in **Appendix 2**.
  - (b) Empty Property Assistance be discontinued.
  - (c) A new contract, reflecting the changes highlighted in this report, be drawn up with Three Rivers HA for the continuation of the delivery of The Care and Repair Service for a further 2 years from April 2006.
  - (d) The Licensing Period of HMO licences be set at 5 years.
  - (e) The fee payable for an HMO licence be set at £300, discounted to £250 for Accredited Landlords, subject to review for 2007/08.
  - (f) The Temporary Housing Renewal Officer post be made permanent to deal with the Mandatory Licensing Scheme.
  - (g) A temporary post for 18.5 hours be created from April 2006 to deal with the additional workload of the HHSRS.

## **Reasons**

36. The recommendations are supported by the following reasons :-

- (a) To ensure key regulatory changes are implemented in respect of private sector housing.
- (b) To deliver sustained improvements in private sector housing conditions.

**Cliff Brown**  
**Director of Community Services**

Stephen Edmonds : Tel 734101  
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## APPENDIX 1

### EF2 - REQUEST FOR INTERNAL SUPPORT (FUNDING BIDS)

To secure support for potential bids from own department and External Funding Team

Please read the Guidance Note EF2-a prior to completion of this form

<b>1. Which funder/fund is the bid to?</b>
Regional Housing Board is the funder and the Single Housing Investment Pot (SHIP) is the fund
<b>2. How much is the bid for?</b>
£17.704 m over 2 years (2006-2008) for the whole sub region, £1.396 specifically for Darlington p.a. - £2.792m over the two years. Almost entirely capital funding (a very small element is to be potentially used for revenue subject to appropriate agreement amongst the Tees Valley partners)
<b>3. What would be delivered with the money?</b>
<ul style="list-style-type: none"> <li>• Private Sector Housing investment (Decent Homes Standards) and a move to a more loans based approach to better facilitate recycling of investment (£2.426m over the two years)</li> <li>• Empty Dwellings Challenge fund where we would jointly commission a developer to buy, improve and offer for affordable rent problematic empty properties within the Borough (£250k over the two years, leveraging in investment from the developer)</li> <li>• Joint approach across Tees Valley to private sector licensing (£200k over the two years, which may also generate a fee income for the authority)</li> <li>• A specially commissioned piece of research to identify priority investment areas in Private Sector Housing (£8k in total for Darlington)</li> <li>• Energy efficiency investment in private sector housing (£100k over the two years)</li> <li>• <u>Decent Homes Funding</u> to be targeted at the most deprived areas, the most vulnerable groups and the worst dwelling conditions, with lesser support available in the rest of the borough. Research anticipated to clarify this, but most likely to include the North Rd Corridor, Borough Rd area, Central Ward and Bank Top. Confirmation on this is needed though.</li> </ul>
<b>4. When would the bid have to be submitted by?</b>
30th September 2005
<b>5. How would the bid link with the priorities of the Council and the Community Strategy?</b>
<p>2 visionary goals:</p> <ol style="list-style-type: none"> <li>1. <i>A place for living well and safely</i> – by delivering condition and security improvements to Private Sector homes (over 75% of all dwellings in the borough are PS)</li> </ol>

2. *A high quality environment with excellent communications* – by improving dwelling conditions are providing energy efficiency improvements

Eight Connecting themes:

1. *Improving the local economy* – the investment will provide work for local companies (e.g. builders), and sustain the provision of services at the HIA (Care and Repair Darlington)
2. *Raising educational achievement* – poor dwelling conditions are known to adversely affect a child’s educational attainment, and therefore targeted investment to poor dwelling condition areas and to the more vulnerable groups who are least able to correct the issues for themselves should have a positive influence on achievement
3. *Promoting community Safety* – by including security measures within the specifications of works commissioned for Decent Homes works
4. *Enhancing the local environment* – improved energy efficiency and works to tackle the blight of empty properties should improve this issue
5. *Promoting inclusive communities* – investment is targeted at the worst dwelling conditions, which inevitably houses the some of the more vulnerable residents and therefore the most socially excluded, and therefore the investment should increase inclusion. Such works have in the past been particularly accessed by the BME community, and therefore help to reduce their exclusion
6. *Improving health and wellbeing* – there has long been established a link between poor dwelling conditions and poor health (esp. around damp, lack of heating etc), and this work eliminates the dwelling conditions that lead to poorer health.

The work links to the strategic priorities listed above – no’s 1, 2, and 5 – and also matches with the three important target groups within the Performance Plan of children and young people (who are a vulnerable group under the scheme, older people, and inevitably targets resources at the most deprived wards/neighbourhoods

BVPI’s and Community Strategy Targets:

- BVPI 64 (Empty dwellings returned to use), CS 45 (no of dwellings made more heat efficient)

<b>6. What would the total funding package be for the project?</b>		
<i>Funding Source</i>	<i>Amount</i>	<i>Secured?/Comments</i>
SHIP	£2.792m	Over 2 years. Bid pending. No guarantees. Internal capital bid also submitted should this bid fail
<b>Total</b>	£2.792m	

**7. What would be the key outputs/outcomes/benefits of the project?**

266 dwellings per annum brought up to the Decent Homes Standards  
 350 dwellings per annum with improved energy efficiency  
 15 empty properties returned to use  
 Improved picture for targeting resources through research  
 Joined up approach across Tees Valley  
 Better licensing options available to Darlington

**8. Who is the Lead Officer**

Stephen Edmonds, Housing Strategy and Renewal Manager

**9. What happens to the project when the funding ends?**

Further funding will have to be found. Some elements may be of much less importance by the end of the project (such as energy efficiency), and the need for investment may have diminished quite significantly. However, there is no guaranteed funding for this work anywhere now, and alternative sources are being actively sought. Ultimately there may be a need for the Council to make a decision as to whether to support this investment itself. It should be noted

that this is an improvement of the scheme that used to be run with HIP allocations, which are now subject to Regional Housing Board allocations.

However, there is nothing to stop the Council abandoning the scheme if no external funding is secured in the future, and there are no revenue implications for the Council, and no Council jobs would be lost as the assistance is predominantly administered through an external agency

<b>10. Departmental Approval</b>	
<i>Signed by (Director or Assistant Director)</i>	
<i>Date</i>	

<b>For External Funding Team Use Only</b>	
<i>Received</i>	
<i>Proceed - feedback given</i>	
<i>Advise not to bid</i>	
<i>Refer to APG</i>	
<i>Refer to FINAG</i>	

Please return to the External Funding Team, Room 401, Town Hall or [external.funding@darlington.gov.uk](mailto:external.funding@darlington.gov.uk)  
(with signed, hard copy to follow)

**Darlington Borough Council –  
Private Sector Housing Renewal Financial Assistance**

**Financial Assistance Procedure**

- Enquiry made
- Processed and specifications of appropriate works drawn up
- Applicant referred to a commercial lender to assess what contribution can come from commercial loans
- If the applicant is unwilling to do this, or is unlikely to get a normal commercial loan, the applicant is referred to a lending partner (to be determined) who will offer preferential rates and conditions.

Following this, any shortfall in the works will, subject to the package limits described below, be made up in the following ways:

***For applicant within the current priority areas of North Road, Northgate, Central and Bank Top or for applicants who are vulnerable:***

- 75% through financial assistance loan repayable on the sale of the property, which will accumulate basic Bank of England base rate interest, fixed at the point of the assistance being given and
- 25% through a repayable loan, which will be repayable up to a maximum period of 5 years dependent on the amount borrowed and the applicants ability to repay. Again basic Bank of England base rate interest would apply

**For applicants outside the priority areas and who are not vulnerable**

- 100% through a repayable loan as above.

For the purposes of this policy, vulnerable people as defined under the December Homes Guidance, fall into the following categories:

- Families with children
- Households of older people beyond working age
- Those suffering for long term illness and disability
- Those who are in receipt of one or more of the principal income related or disability benefits: income support, housing benefit, council tax benefit, income based job seekers allowance, attendance allowance, disability living allowance, industrial injuries, disablement benefit, and war disablement pension
- Households in receipt of pension credit are defined as vulnerable; households in receipt of either working tax credit which includes a disability element, or child tax credit, will be defined as vulnerable if they have a relevant income of less than £14,200 (this limit is irrelevant if they receive other eligible benefits)

The levels of funding available are described below

### **Financial Assistance Packages Available:**

- **Disabled Facilities Grants** – as before, up to a maximum of £25,000, and subject to appropriate recommendations from Occupational Health.
- **Disabled Facilities Discretionary Top Up Financial Assistance** – to offer up to an additional £10,000 as a financial assistance loan (as described above), where the costs of disabled adaptations works exceeds the DFG maximum grant.
- **Priority Area Decent Homes Package** – funding of up to £20,000 available to top up applicants' identified resources, on the basis of 75% as a financial assistance loan and 25% as a repayable loan, within the identified wards of North Road, Northgate, Central, and Bank Top. This funding is aimed at ensuring a dwelling is wind and water tight and is free of any Category 1 and 2 Hazards as defined in the Housing Health and Safety Rating System as outlined in the Housing Act 2004, and meets Decent Homes standards.
- **Non Priority Area Decent Homes Package** – funding of up to £20,000 available to top up applicants' identified resources, on the basis of 100% loan, repayable over a period of up to 5 years, for dwellings and applicants who are not vulnerable and do not live in priority areas. This funding is aimed at ensuring a dwelling is wind and water tight and is free of any Category 1 and 2 Hazards as defined in the Housing Health and Safety Rating System as outlined in the Housing Act 2004, and meets Decent Homes Standards.
- **Emergency Assistance Package** – available to vulnerable people with very limited resources throughout the Borough, with funding of up to £10,000 available on the basis of 100% financial assistance loan. This funding is aimed at ensuring a dwelling is wind and water tight and is free of any Category 1 Hazards as defined in the Housing Health and Safety Rating System as outlined in the Housing Act 2004.
- **Assistance for Private Sector Landlords** – Recognising the important strategic role that Private Sector Rented accommodation will play in delivering appropriate responses to housing needs in the future, financial assistance to meet decent homes standards within Priority areas will be available to those private landlords who are members of the Landlord Accreditation scheme. Funding of up to £20,000 will be available on a 100% loan basis, repayable over a period of up to 5 years.



# LANDLORD ACCREDITATION SCHEME

## CODE OF STANDARDS



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## **1. 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.**

## **2. 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.**

Compliance with the Code will ensure that:

- Landlords, tenants, and the community enjoy the benefit of good dwelling conditions and competent management.
- Misunderstandings and disputes are reduced.
- Where problems do occur they are promptly resolved.

### **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.
- 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 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.
- 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. 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. 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 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. 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](http://www.odpm.gov.uk)

## **5. 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 expected to embrace this Scheme.

## **6. HOW THE SCHEME 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 information 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 to upgrade, within a reasonable timescale, any dwelling that does not fully meet the requirements of the Scheme, and accordingly inform any existing or prospective new tenants of this arrangement.

- 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 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.

**(e) Legal Requirements – Housing Act 2004**

**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 s604 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.

### **Licensing of Houses in Multiple Occupation (HMO)**

- 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 license 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.

## **7. LANDLORD'S 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. Interested parties are, when requested, permitted not less than 24 hours within which to seek independent advice regarding any contractual terms, during which time the property will not be remarketed.
- 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 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. If you have a doubt about the suitability of a tenant you may wish to contact the local

Landlords Association for possible information. 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**

As stated above in Section 4 (Tenancy Deposit Scheme), handling of Deposits should meet the requirements of the Housing Act 2004 at such time as regulations commence.

***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.

### **(c) 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 section 7(f) 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.

### **(d) 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.

#### **(e) 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.

#### **(f) 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.

#### **(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 section 6(f) 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.

### **8. 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 should normally be achieved:
  - **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 section **6(f)**).

**(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 section **6(f)**).

**(k) Overcrowding**

Dwellings are not knowingly overcrowded and must be compliant with the HHSRS (see section **6(f)**).

**9. HEALTH AND SAFETY  
MUST BE COMPLIANT WITH THE HHSRS (see section 6 (f) for details)**

**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. This document will be made available to the Landlord Accreditation Officer.
- 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.
- A fire blanket is provided 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.

- In addition requirements of HMO Licensing Scheme (see section 6(f) for details).

**(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.

**10. 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 4 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 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.

## **11. 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.

## **12. 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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## **14. FURTHER INFORMATION**

For further information regarding the Landlord Accreditation Scheme please contact:

**Gillian Fox, Landlord Accreditation Officer**

**TEL: (01325) 734105      FAX: (01325) 734109**

**DARLINGTON BOROUGH COUNCIL**  
**COMMUNITY SERVICES DEPARTMENT**



**LANDLORD ACCREDITATION SCHEME POLICY**

**2005 – 2006**

Gillian Fox  
October 2005



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## **1. Vision and Objectives**

The Landlord Accreditation Scheme has been developed to help achieve the following vision and objectives of Darlington Borough Council, including the Housing Service Plan and Housing Renewal Strategy.

### **Departmental Objective**

Ensure a wide range of housing tenure and support is available which is of a decent standard to meet community needs.

### **Housing Services Vision:**

“To provide everyone with an opportunity to live in a decent home with appropriate high quality services that promotes independent living”.

This vision links Housing’s work with the goals of Darlington’s Community Strategy, in particular ‘A place for living safely and well’, and the Council’s Corporate Objectives of:

- Shaping a better Darlington
- Provide excellent services
- Putting the customer first
- Ensuring access for all
- Enhancing our capacity to improve

### **Divisional Objectives**

Ensure a strategic and enabling role to promote and enhance homes across all tenures giving people choice in the housing market.

Regenerate deprived areas to create sustainable communities by working in partnership with key stakeholders, including private landlords and Registered Social Landlords (RSL).

## **2. Introduction**

In recognition of the important role that can be played by the private rented sector, the Government has been promoting voluntary private sector Accreditation Schemes for some time. The Government sees improved partnerships with private landlords as a way of driving up standards while reducing the need for formal and legal enforcement action.

Darlington Borough Council's Neighbourhood Renewal Strategy Action Plan 2005/06 identified a number of strategic priorities that are designed to have a positive impact on reversing the spiral of deprivation and decline in the 11 most disadvantaged wards within Darlington and to help build the capacity and confidence in those communities. One such priority was the need to engage with private sector landlords to improve standards and increase the proportion of decent homes within the private sector occupied by vulnerable groups. This can be achieved with the Landlord Accreditation Scheme. By working in partnership with private sector landlords and setting minimum standards for conditions and housing management, Darlington Borough Council's Landlord Accreditation Scheme will make a real contribution towards improving housing conditions and combating anti-social behaviour throughout Darlington, not just in the 11 most disadvantaged wards.

## **3. Purpose of the Landlord Accreditation Scheme**

The Landlord Accreditation Scheme aims to drive up standards within the private rented sector by publicly identifying landlords and their property as being of a recognised higher standard.

At a strategic level, many of the housing, social and community safety issues that blight parts of the private rented sector can only be addressed effectively through a solid partnership and dialogue with private landlords. The Landlord Accreditation Officer will facilitate this by not only overseeing the scheme, but also developing partnerships and linkages between landlords and a range of other agencies including all parts of the Council, Police and Fire Service. The Officer will act as a 'one-stop shop' for accredited landlords to contact the Council over a range of related issues, and offer training to accredited landlords. In essence, accredited landlords will be utilised as a cornerstone for consultation over proposed legislative changes, strategic development and other matters of common concern.

## **4. Code of Standards**

### **(a) Accreditation Network UK**

The Accreditation Network UK (ANUK), which represents over 150 accrediting organisations (predominantly local authorities and some universities), has developed a model of good practice. This model of good practice has been adapted to fit the needs of Darlington and is presented in the Code of Standards.

## **(b) Standards**

Darlington Borough Council's Code of Standards provides the minimum standards for dwelling conditions and housing management. Whilst membership of the Landlord Accreditation Scheme is voluntary, criteria for joining this Scheme will require that landlords and their properties meet and agree to abide by this Code of Standards.

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.

To become accredited the landlord must sign up to the agreed Code of Standards that governs the standards required, and the way in which he/she undertakes his/her landlord duties. These standards meet the legislative requirements of Part 1 of the Housing Act 2004 relating to the Housing Health and Safety Rating System (see section 5), and Parts 2 and 7 of the Act relating to houses in multiple occupation (HMOs - see section 9). The standards also state the housing management practices expected from Accredited landlords.

There will have to be some trust and discretion, on the part of the Landlord Accreditation Scheme, regarding the landlord abiding by the management practices stated in the Code of Standards until this is proved to the contrary.

## **(c) Review of Code of Standards**

The Code of Standards will be reviewed on an annual basis. The Landlord Accreditation Scheme reserves the right at any time to amend the content of the Scheme or its operation, subject to consultation with the relevant parties.

## **5. The Housing Health and Safety Rating System (HHSRS)**

Previously there has been relatively limited controls and guidance concerning the quality of accommodation and management in the private sector. The Housing Fitness Standard has now been replaced by a new framework called the Housing Health and Safety Rating System (HHSRS), and affects private sector landlords and how they operate. The HHSRS requires an assessment of all internal and external hazards of a dwelling, and is based upon how such hazards might affect a vulnerable person who may live at or visit the dwelling either now or in the future.

Landlord's property must comply with all the statutory requirements of the HHSRS.

## **6. Membership Fee**

Some schemes in other areas of the country charge landlords a small annual fee for joining an Accreditation Scheme, with the income generated used to offset staffing

and/or administration costs. We will not charge for membership at the present time *but will charge* all new members from November 2006.

## 7. Application

Landlords will be invited to submit an application to the Landlord Accreditation Scheme. The application will require landlords to undertake the following:

- Confirm that he/she has read and agrees to abide by the Code of Standards (see section 4);
- Complete a Suitable Person Declaration (see Appendix A);
- Provide written details of all their properties, including their own or the managing agents contact details (see Appendix A).

Once an application has been received, an inspection of the dwelling(s) will then be undertaken.

## 8. Inspection

When an application has been received the Landlord Accreditation Officer will undertake an inspection of the dwelling(s), supported by, where necessary, other members of the Housing Renewal Team.

The inspection will ascertain that the dwelling(s) meet the building conditions and Health and Safety requirements of the Code of Standards (see section 4).

### (a) Number of properties inspected

For landlords' owning six properties or more, a random 10% sample of the stock will be inspected, while for landlords' with fewer properties, every property will be inspected.

### (b) Dwelling Upgrade Plan

If a minority of a landlord's dwellings are not fully compliant, the landlord can apply to the Scheme for a concession and agree a Dwelling Upgrade Plan to upgrade the dwelling(s) within a reasonable timescale.

### (c) Re-inspections

Accreditation will last for three years, so re-inspection of dwellings within the Accreditation Scheme will be undertaken prior to the end of this three year period, except for houses in multiple occupation (see section 9).

The Landlord Accreditation Officer will inspect properties more frequently should the landlord contravene the terms of the Code of Standards (see section 4), when a complaint has been received, or if there are other issues of concern.

## **9. Houses in Multiple Occupation (HMOs)**

The definition of a house in multiple occupation (HMO), as defined by previous Housing Acts, will change with Part 2 of the Housing Act 2004.

### **(a) Licensing**

The Housing Act 2004 also introduces mandatory licensing of HMOs, which are 3 or more storeys and occupied by 5 or more people in more than one household.

The Landlord Accreditation Scheme will build on Darlington Borough Council's existing HMO Licensing Control Scheme standards.

### **(b) Re-inspections**

The frequency with which re-inspections are undertaken for Accredited HMO dwellings will be on a risk basis, in line with HMO Licensing. Bedsits and bed and breakfast accommodation will be re-inspected on annual basis, flats every 2 years, and houses every 3 years.

## **10. Consultation**

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.

The Landlord Accreditation Scheme aims to build up a strong partnership with landlords that can be used in the development of future housing strategy and in future funding initiatives. The members of the scheme will form a cornerstone of future consultation regarding any proposals that may affect private landlords, such as legislation and strategy development.

## **11. Incentives and benefits for Landlords**

The Landlord Accreditation Scheme will offer a range of incentives to encourage participation among landlords, such as fast tracking of Housing Benefit claims, discounts on insurance, and free use of the Bulky Refuse Collection service to dispose of waste such as furnishings left by the tenant at the end of a tenancy.

Accredited landlords will have a clear market advantage over their competitors and will be able to attract more responsible tenants to their property.

The Landlord Accreditation Officer will act as a liaison point for accredited landlords in their dealings with the Council.

By implication, the Accreditation Scheme will isolate poor quality landlords offering a poor standard of accommodation and service to tenants and contributing to anti-social behaviour within the neighbourhood.

## **12. Benefits for Tenants**

The Landlord Accreditation Scheme will enable prospective tenants to judge whether a landlord and their properties are of a certain standard in terms of condition, health and safety and management. Tenants will be able to obtain information about, and get access to better quality accommodation.

Prospective tenants will be able to exclude landlords who are not accredited from their considerations, while the Council is better placed to tackle them through a range of enforcement and regulatory activity.

The Scheme also encourages responsible behaviour by tenants.

## **13. Advice**

The Landlord Accreditation Officer will assist landlords to achieve accreditation status and will provide general help and advice regarding compliance and standards.

Information, seminars and workshops will be offered to landlords so they can find out more about the Landlord Accreditation Scheme, which should lead to greater landlord involvement.

### **(a) Landlords' Forum**

Accredited landlords will be offered information and training, in relation to landlord and tenancy legislation and changes in Government or Council policy, through means such as a Landlords' Forum, newsletters, and through local landlord associations.

### **(b) Signposting**

The Landlord Accreditation Officer will offer or direct landlords to appropriate advice in relation to their accommodation, for example tenancy and anti-social behaviour matters, and dealing with any problems that arise with tenants and their properties.

The Landlord Accreditation Officer will also facilitate contact between accredited landlords and the services that are available to support vulnerable clients, for example Floating Support. This should lead to more opportunities for private accommodation to be accessed by tenants with support from the Council.



The Landlord Accreditation Officer will promote the Rent and Bond Guarantee Scheme to make private sector housing accessible to more people. This will make landlords more aware of the tenancy support and advice that is available to them to help sustain tenancies and prevent homelessness.

## **14. Shared information**

Darlington Police have indicated that if protocol and procedures allowed it they would be willing to share information with accredited landlords on whether prospective tenants have any criminal convictions relating to former tenancies. This could only be done with prospective tenants written consent.

### **(a) Tenant Referencing**

The Landlord Accreditation Scheme is currently investigating the development of a Tenant Referencing Scheme for accredited landlords.

## **15. Public Register**

The names of accredited landlords, sufficient only for publicity and promotional purposes, are a matter of public record, and are readily available for public reference. The Scheme will maintain a database record of accredited landlords and their properties.

Landlords joining the Scheme will have their details and available accredited dwellings displayed on Darlington Borough Council's website. Accredited landlords and available dwellings may also be advertised within Council buildings.

## **16. Disciplinary Matters**

### **(a) Membership**

The Landlord Accreditation Scheme is responsible for the 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 of Standards (see section 4), and remove any landlord within the Scheme who is not complying with this Code.

Membership of the Landlord Accreditation Scheme will be reviewed when a complaint has been received from a person who may feel a breach of the Code of Standards has occurred.

Landlords who lose their accredited status will no longer be members of the Scheme or be eligible for any of the benefits (see section 11) of the Scheme.

Breaches of the requirements of the Landlord Accreditation 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 appropriate sanction. Where a landlord is found to be in breach of the Code of Standards, (s)he may be excluded from the Scheme for a period as determined or indefinitely.

## **(b) Dwelling Upgrade Plan**

Accredited landlords who do not fulfil their Dwelling Upgrade Plan obligations (see section 8), will be investigated by the Landlord Accreditation Officer who will consider what action is appropriate.

## **17. Appeals Process**

Landlords' will be entitled to a right of appeal to the Landlord Accreditation Scheme's Review Panel (see section 18) if their application is unsuccessful, or if they lose their accreditation status following the decision of the Landlord Accreditation Officer.

### **▪ Process**

- An appeal must be made in writing, detailing the reasons for the appeal, to the Landlord Accreditation Officer who will then inform the Review Panel.
- A written reply will be made within fifteen working days of receipt of the appeal, detailing when the Review Panel will meet to discuss the appeal.
- The Review Panel will meet within 28 days of receipt of the appeal.
- Following their meeting the Review Panel will make a decision within 28 days. Results of the decision will be given in writing.
- If the landlord is not satisfied with the decision of the Review Panel, (s)he can make a formal complaint using the Corporate Complaints procedure (see section 19).

Disciplinary action will be reported in an open and transparent way to demonstrate that the Landlord Accreditation Scheme is being enforced.

## **18. Review Panel**

The Review Panel will deal with all landlords' appeals, using the appeals process stated in section 15.

The Review Panel will also deal with any complaints and disputes regarding the operation of the Landlord Accreditation Scheme that cannot be resolved informally.

## 19. Complaints Process

### (a) Review Panel

Landlords wishing to make a formal complaint about the operation of the Landlord Accreditation Scheme can do so to the Scheme's Review Panel. The Appeals Process stated above will apply.

Where a landlord is not satisfied with the result of the Review Panel, (s)he can make a formal complaint using the Corporate Complaints procedure (stated below).

### (b) Corporate Procedure

Landlords wishing to make a formal complaint about the service can do so using the Corporate Complaints Procedure. Darlington Borough Council's specified Complaints Procedure is detailed in the feedback leaflet titled "How to make a Compliment or make a Comment, Suggestion or Complaint about a service you receive from Darlington Borough Council".

## 20. Performance Indicators

The Council is currently improving standards within the private sector through a range of advice and enforcement activity. Our private sector housing performance is measured against the following two Community Strategy Performance Indicators:

- CS118A that relates to the number of private sector dwellings made fit (CS118A replaces the Best Value Performance Indicator BVPI 62);
- CS118B that relates to the number of empty dwellings that are returned to use as a result of local authority action (CS118B replaces the Best Value Performance Indicator BVPI 64).

Our performance will be helped by our good relationship with a majority of landlords, allowing us to meet targets through advice and informal action and avoiding the need to resort to legal processes.

## 21. Contact

We are pleased to receive comments on this Policy as an ongoing consultation process. Please contact:

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