



Property and Landlord Accreditation Northumberland - PLAN

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Introduction

PLAN – Property and Landlord Accreditation Northumberland - is the new relaunched Private Rented Sector Accreditation Scheme that aims to support landlords who offer good quality housing in Northumberland. The Scheme is voluntary, free and recognises the valuable role that the private rented sector plays by delivering good quality, much needed housing to the residents of Northumberland. There are tangible benefits to becoming a PLAN landlord through working in partnership with the Council.

PLAN members will have to demonstrate that they are fit and proper, have satisfactory management arrangements in place and the properties that they rent are of a good standard. Properties are inspected at the time of application to ensure that the Scheme is both robust and quality assured.

About the scheme

PLAN is an initiative to raise the property and management standards in order to create a healthy private rented sector. This is done through working in partnership with private landlords, letting agents and other external partners. The focus is to promote those landlords operating in Northumberland which have demonstrated their properties are a decent standard of accommodation, they operate good management practices and understand and are committed to continuing professional development in order to operate responsibly and successfully. The scheme aims to support private landlords by offering advice and assistance, thorough property inspections, training opportunities, regular engagement and on-going support by way of a single point of contact in the Private Sector Housing Team.

By joining PLAN private landlords can give the assurance to tenants that they provide and maintain good standards of accommodation. The accreditation scheme offers encouragement and support to landlords to achieve these standards, giving recognition to private landlords who offer good quality private rented accommodation in Northumberland.



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Properties will be assessed against the PLAN code of standards (APPENDIX 2). Where works or improvements are required, the officers will work with the landlord to advise on achieving the required standard. The PLAN accreditation standard is based upon the legal minimum housing standard and the provision of a well maintained and safe home. It is easily achievable, and members of the Private Sector Housing Team will support landlords to reach this standard. These standards will be in line with government legislation and updated as and when new changes are implemented.

Objectives of PLAN

- Improve the condition, safety and energy efficiency in the private rented sector (PRS)
- Ensure advice and support is available to landlords and tenants regarding rights and obligations
- Ensure tenants have access to support in the private rented sector
- To recognise and encourage landlords who are prepared to provide good quality accommodation at a fair rent and a commitment to working in partnership with Northumberland County Council.
- To improve and promote the positive image of the private rented sector.
- To improve liaison and communication between landlords and Northumberland County Council.
- To promote good practice in the private rented sector.
- To provide tenants with confidence in the quality and management of the accommodation they are renting from accredited landlords.





Benefits to joining PLAN

To you as a landlord

- **Single point of contact from the Private Sector Housing Team from day one.**
- **ONE YEAR FREE MEMBERSHIP with the National Residential Landlord Association (NRLA)** which gives unlimited access to a wide range of services and benefits including a free telephone advice line, Information and template documents e.g., Assured Shorthold Tenancies, checklists, news updates, campaigns, a quarterly magazine; discounts on services e.g., insurance, tradepoint, boiler breakdown, white goods discount.
- **Free training place** on NRLA's 'Landlord Fundamentals' training and access to many other valuable training opportunities.
- **Free 'Safeguarding Training for Landlords'** (completion condition of membership)
- Access to an **enhanced tenant vetting service** which includes criminal and anti social behaviour considerations.
- A **discount on Selective Licensing Fees** (if applicable).
- **Advice and assistance** for property and tenancy related issues.
- **Market advantage** when attracting new tenants.
- **4 weeks free advertising** for accredited properties on Northumberland Homefinder, (Northumberland County Council's allocation service for housing).
- **Recognition** that you are a good landlord providing a high standard of accommodation
- **Up-to-date information** on regeneration/improvement schemes and initiatives in Northumberland.
- **Positive publicity** for your business use – PLAN members are provided with a membership certificate and stickers to display and increase public awareness of the scheme.
- Access to **discounted training courses** and other opportunities for Continual Professional Development (CPD).
- **Briefing sessions and regular newsletters** to update on relevant issues.
- Advice on accessing **energy efficiency grants**.
- Attendance at the **Northumberland Private Landlord Forum**.



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To tenants:

- Easier to identify **good quality accommodation** – recognition of the PLAN stamp of approval.
- Assurance that an **agreed code of management standards and conduct** is in place.
- **Confidence** that your landlord demonstrates compliance with relevant legislation.
- **Safety and security** measures incorporated as part of the accreditation standard.
- **Improved energy efficiency measures** should lead to lower fuel bills.
- Access to a **Rent Deposit Guarantee Scheme** (in applicable cases)

How to join PLAN

Stage 1 – Review of Application Form and Fit and Proper Person Check

An application to join PLAN considers both the condition of the property and the management arrangements in place which can either be the landlord themselves or a Managing Agent on behalf of the landlord. Stage 1 involves completion of the application form online and signing up to the Landlord Code of Conduct and the fit and proper declaration. (Paper format on request). Once the application is received a fit and proper person check will be completed. This will involve a signed declaration by the landlord to verify that they have not been involved in certain criminal actions along with checks to establish that there has been no history of poor property and management standards. All landlords must meet the Fit and Proper Person criteria to be a member of PLAN.

Part of the application form will include a declaration to state that you have the following legally required safety certificates for the property, all certificates must be in date and renewed when required.

- Energy Performance Certificate (EPC) showing a rating of E or below



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- Electrical Installation Condition Report (EICR) showing the electrical installation is 'satisfactory'
- Gas Safe certificate in date and showing gas installation has 'passed'
- Building insurance for the property
- Evidence of a buy to let mortgage (if applicable)

A Private Sector Housing Officer can ask to be provided with a copy of any certificate throughout the accreditation period and copies of certificates will always be required at first application. Failure to provide a valid certificate can result in removal from PLAN, and where there is concern for safety a referral to the relevant enforcing authority.

Once all the information supplied is assessed as acceptable, the process moves to Stage 2. If it is not acceptable, the Private Sector Housing Team will make contact directly with the applicant to discuss the options and explain the reason an application to join PLAN has been refused.

Stage 2 – Inspection of Property

An officer will attend the property to complete a full inspection under the Housing Health and Safety Rating System (HHSRS).

The inspection ensures that the properties:

- Are free from Category 1 Hazards under the Housing Health and Safety Rating System (HHSRS)
- Are of a good decorative standard
- Are safe and secure with smoke alarms, carbon monoxide alarms and adequate locking to doors and windows

Following the inspection, the officer will then update and communicate fully with the landlord if any works are needed to meet the PLAN standards or if full accreditation can be granted. If works are required, the form detailing exactly what works are required will be provided and agreed timescale for compliance.





When all the information is correct and the property meets the PLAN standards, the certificate will be issued along with a letter confirming the accreditation. The accreditation period lasts for 3 years after the initial inspection, however after each 12 months the landlords will be contacted to ensure they are keeping up to date with the safety certificates and to ensure a property inspection has taken place at least annually. This can be through self-certification or at the request of a member of the team. To keep the accreditation for the full 3 years a self-certification and declaration will need to be completed every 12 months.

Stage 3 – Advertising, finding a tenant and referencing

Once approved with PLAN the Private Sector Housing Team can advertise the accredited property for 4 weeks free on Northumberland Homefinder. The landlord will need to complete an advert request form. The team can make the initial contact with the prospective tenants and establish whether they are still interested before passing on the details to the landlord. Every Friday the applicants' details will be sent over to the landlord to make contact to arrange viewings and check suitability. Once a new tenant is proposed then an enhanced vetting can be requested which looks at affordability, housing history and criminal and/or anti social behaviour.

PLAN Scheme requirements

Fit and proper person checks

All landlords will be required to pass the fit and proper person checks. This will include a signed declaration to certify that they have not being involved in any of the following activity It is essential that a landlord or manager of a property is fit and proper. Any landlord or agent applying to become a member of PLAN must not have:

- Committed any offence involving fraud or other dishonesty, violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- Practiced any unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying out of any business.



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- Contravened any provision of the law relating to housing or of landlord and tenant law.
- Been refused a license or had a license revoked for any property in relation to HMO, additional or selective licensing under the Housing Act 2004.
- Been the owner or manager of a property which has had substantiated complaints from tenants or other sources regarding serious or repeated breaches of the conditions of a license; in relation to HMO, additional or selective licensing under the Housing Act 2004.
- Been the owner or manager of any property, which has been the subject of an interim or final management order or a special interim management order under the Housing Act 2004.

The landlord, agent and anyone involved with the property must sign a fit and proper declaration, this includes anyone who:

- Sets up and or signs tenancy agreements on behalf of the landlord
- Authorises money to be spent on works relating to the property
- Is a resident manager or staff member associated with the property
- Collects rent or deals with rent arrears
- Agrees repairs
- Agrees return of deposits

Continual professional development (CPD)

It is expected members of PLAN will complete at least five hours' training per year. This may include attendance on training courses relating to housing either locally or nationally, completing a recognised online training course or even attending a private landlord meeting or event. All CPD completed should be logged and available on request by the Private Sector Housing Team.

- Training courses in relation to housing related matters
- Landlord Forums



- Presentations in relation to housing related matters
- Landlord Association meetings such as NRLA Regional events
- On-line training courses

Management standards

Landlords will also need to follow the appropriate management standards and evidence when requested. This will include;

- A suitable management arrangement in place
- No conviction of Illegal eviction and harassment
- Local contact or management in place where necessary
- Repairs/compliance policy
- Records relating to rent payments/arrears action
- Records of contacts to or from tenant including GDPR compliance to protect personal data
- Registered with a Property Redress Scheme where required (Managing Agents)
- Deposit Protection Scheme compliance
- Must have adequate funds in place for property management.

Code of Conduct

Skilled professional property and tenant management is vital to the success of any tenancy and business. Landlords and managing agents must behave in a responsible manner and comply with all relevant legislation covering the tenancy. PLAN members must comply with the Code of Conduct which will also consist of checks to ensure there is no history of letting inadequate quality housing including overcrowding and failing to address anti-social-behaviour or property disrepair.

The Code of Conduct sets out the expected standard of management required from private landlords and letting agents in Northumberland.

This includes:

- General conduct

- Tenancy disputes
- Compliance with legislation
- Advertising and viewing
- Referencing
- Equality considerations
- Tenancy sign up arrangements
- Tenancy agreements
- Inventories
- Deposits
- Tenancy management
- Safeguarding awareness and training
- Rent payments and arrears management
- Property inspections and access
- General property safety and standards
- Fire safety
- Property maintenance
- Tackling anti-social behaviour through working with the Council and Police
- End of tenancy arrangements

The Code of Conduct provides further details and guidance on current good practice procedures, legislation, and regulations (see appendix).

Property inspections and Self-certification

As part of the scheme requirements each property will be required to have a property inspection by a Private Sector Housing Officer. This initial inspection will be valid for 12 months, after this time the landlord will be offered the opportunity to self-certify that there have been no issues since the inspection and that regular property inspections have been carried out. To keep the PLAN membership for the full 3-year period a compliance declaration and self-certification will need to be completed every 12 months. The PLAN membership will last for 3 years after which time a reinspection by the Private Sector Housing Team will be required. Copies of certificates may be requested at any time.



Advertising

As a member of PLAN, landlords will be able to access 4 weeks of free advertising on Northumberland Homefinder. After this initial period, a charge is applicable to advertise for a longer period. The Private Sector Housing Team will monitor the applicants and make initial contact with any prospective tenants prior to passing the details onto the PLAN Landlord. An officer will do an initial sift and make sure that any applicants are genuinely interested and suitable for the property before passing on the applicants' details. This will include ensuring the property is affordable and appropriate in bed size. The landlord will then make contact and arrange the property viewings.

Tenant Referencing

Once a suitable tenant has been identified the landlord can request that an enhanced vetting is carried out which will give an outcome as either suitable or unsuitable. Specific vetting details cannot be given about any issues identified in the reference unless the prospective tenant agrees for this information to be shared.

PLAN members are strongly encouraged to use this free and comprehensive vetting service for their potential tenants which is an enhanced vetting including anti social behaviour and criminal record checks.

The potential tenant is required to make a vetting application and agree to have the following checks carried out:

- Current or previous landlord details
- Current rent arrears
- Full five year housing history
- Affordability assessment
- A suitable character reference (if applicable)
- Police and anti social behaviour check with Northumbria Police and the Council's Community Safety Team.

Potential tenants who pass their referencing checks will be entitled to a bond guarantee through Northumberland County Council for the first 12 months of the tenancy.



Rent Deposit Guarantee Scheme

The Rent Deposit Guarantee Scheme (RDGS) is a way for potential tenants to secure a tenancy in the Private Rented Sector through Northumberland County Council offering a paper bond to a PLAN landlord on the tenants' behalf. It covers up to the value of a month's rent and lasts for a period of 12 months whilst the tenant saves the money to carry forward after the initial 12-month period.

The Rent Deposit Guarantee Scheme (RDGS) is available to tenants who do not have a deposit and the property they have identified is accredited through PLAN. A vetting with a suitable outcome is required to be completed and the property will be eligible for a free inventory to detail the property condition in the event of a claim for damages through the period that the RDGS is in place. The tenant will be expected and encouraged to open a savings account with Northumberland Community Bank to make regular savings to cover the bond cost when the initial RDGS expires after 12 months. The tenant will also have a dedicated Private Sector Housing Officer who will be able to assist with support on tenancy related issues.

Further guidance regarding the RDGS can be found in the RDGS policy document.

Property Standards

A PLAN Landlord shall ensure that any property under their control is maintained at the required standards in respect of freedom from hazards (Housing Health and Safety Rating Scheme –HHSRS) and completion of timely repairs. The standards are designed to be fair, reasonable and appropriate. The property standards are attached in Appendix 1. If a property does not meet the required standards, a schedule of works will be produced via the accreditation inspection form and a timescale for compliance agreed with the PLAN landlord.

The property standards take account of:

- Gas, electrical and fire safety
- Portable appliance testing (PAT)
- Provision of amenities: kitchen, bathrooms and WC's
- Security





- Furniture and furnishings
- Energy efficiency
- Condensation, mould and dampness
- Safety standards (window locks and restrictors, handrails etc)
- Property condition and decoration (external and internal)
- Outside space/gardens - clear of rubbish, not overgrown and of decent appearance

Additional Services

Additional services are available for landlords who become PLAN members for which an additional charge will be applicable.

- Following an initial period of 4 weeks free advertising PLAN landlords can then pay for a further period for advertising, a further 4 week period will cost £35 per property.
- PLAN landlords can request a letter for VAT purposes to prove that a development was carried out on a property which had been empty for 2 years or more.
- PLAN landlords can access provision of an inventory of a property at the start of the tenancy (where there is not already one in place through RDGS).

Additional service	Cost	Details
Advertising	£35	First 4 weeks free
VAT letter	£20	Per letter
Inventory	£20	Not applicable for a RDGS property





Compliance spot checks

Following acceptance onto the scheme, and after the initial verification checks are carried out, PLAN landlords can self-certify that all relevant certificates are in place but there will be a compliance audit carried out by the Private Sector Housing Team across the PLAN properties on a regular basis. This audit will select properties to be checked and the PLAN landlord will then on request need to provide all necessary certificates.

Failure to comply with the scheme

If the scheme requirements detailed above are not met, then the property will not become accredited and consequently fail the scheme. The PLAN landlord will need to address the issues and make the necessary improvements within the agreed timescales.

If either the property or management standards are not adhered to once PLAN membership is granted, then a member of the Private Sector Housing Team will be in touch to discuss what is required and an agreed timescale to complete. If after this initial contact the identified issues are not rectified a letter will be sent confirming the breach and that the landlord/property has been withdrawn from the scheme forthwith. If there is concern regarding safety or illegal activity this will be reported to the relevant enforcement authority.





Appendix 1 – Property Standards

To reach the Accreditation standard the property should be in good repair, provided with enough amenities, and have adequate and effective heating and insulation. The decoration should be of a good standard and free from staining and mould growth.

The property should also not be overcrowded and should be free from any Category 1 or high Category 2 hazards in accordance with the Housing Health and Safety Rating System (Part 1 Housing Act 2004)

Fire safety and smoke detection

Single household occupancy up to four storeys

Escape routes:

No requirement for a full 30-minute protected route but the escape route should have sound, conventional construction and should not pass through risk rooms. No requirement for fire doors, but sound, well-constructed and close-fitting conventional doors are required.

Fire separation:

No requirement for additional fire resistance, but walls and floors should be of sound, conventional construction. If a basement/cellar is present, 30-minute separation between the cellar and the ground floor escape route should be provided.

Fire detection and alarm system:

In accordance with The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 one smoke alarm must be provided as a minimum on each storey of premises where there is a room that is used wholly or partly as living accommodation. Landlords must ensure the detector is in proper working order at the commencement of each tenancy.



Lighting of escape routes:

No requirement for emergency escape lighting, other than conventional artificial lighting.

Further information can be found in **Lacors Housing— Fire Safety Guidance**. This document is the recognised guidance for fire safety in dwellings and gives further examples and scenarios. The document is freely available to download.

<https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>

Carbon monoxide detection

Ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation (including a bathroom or a lavatory) and contains a solid fuel burning combustion appliance or gas boiler/appliance and keep any such alarm in proper working order.

Legionella

A risk assessment must be carried out for Legionella bacteria at the outset of each tenancy and thereafter maintain control measures to minimise the risk. Landlords can carry out this assessment themselves so long as you do not have water storage tanks, are competent to do so and maintain a written record. Further information can be obtained at:

<http://www.hse.gov.uk/legionnaires/legionella-landlords-responsibilities.htm>

Refuse

Suitable wheeled bins for the storage and disposal of refuse must be provided at the property. The bins must be kept within the boundary walls and placed out on the day of collection and returned to the property once they have been emptied. Landlords must



work with the tenant to ensure bins are not left outside of the curtilage of the property longer than necessary.

Landlords / managing agents must advise tenants of the arrangements for the collection of waste and provide information regarding recycling of their waste.

Bedrooms

Ensure that the property does not become overcrowded. Bedrooms may only be occupied by a certain number of people which is dependent on the size of the room and the age and the gender of the occupants. Maximum occupancies will be assessed on a case-by-case basis and advice should always be sought if there is concern about occupation limits.

Kitchen and Bathroom Facilities

Facilities for the preparation, cooking and storage of food must be safely and conveniently laid out. The kitchen must be of adequate size for the number of occupants to ensure it can be used in safety. The following amenities must be provided:

- Adequate cupboard/drawer space for the storage of food and equipment.
- An adequate fixed work surface for the preparation of food, being non-absorbent and capable of being easily cleaned.
- A fixed sink comprising at least a bowl and single drainer within a base unit and provided with an adequate supply of hot and cold running water.
- Provision for the installation of a cooker, usually being a 30-amp electric cooker point or a gas point, with sufficient space available adjacent to the point for the fitting of an oven and hob.
- Walls adjacent to preparation and cooking area are to be capable of being easily cleaned.
- There should be sufficient space for the fitting of a refrigerator or fridge/freezer.





- All units and any appliances provided must be in good repair and in good working order.
- There should be an adequate number of suitably located electric power points for the safe use of kitchen appliances.
- Suitable means of mechanical extract ventilation should be provided to the kitchen and / or bathroom where there is evidence of condensation mould growth.

Space Heating

An Energy Performance Certificate (EPC) must be provided to tenants (and prospective tenants) prior to the making of a new tenancy agreement.

- Properties must be free from excessive draughts.
- All habitable rooms must be provided with adequate and suitable fixed space heating appliances or be heated via a controllable central heating system.
- Any central heating system must be economical to run (please contact the Accreditation for further information). If a hot water cylinder forms part of the heating system it must be properly lagged with a suitable jacket.

Energy Efficiency

The property will need to meet the minimum legal energy efficiency standards and evidence this with a valid EPC.

We would recommend any of the following energy efficiency measures;

- Double glazing
- Energy efficient central heating boiler.
- Cavity wall insulation
- Draught-proofing

- Radiator thermostats
- Low energy light bulbs throughout

Condensation and mould

Provide tenants with an information leaflet advising them of how they can reduce condensation and reduce the chances of mould growth from excessive condensation and be prepared to offer advice to them should there be an issue with condensation where it can be established that it is caused by lifestyle, (for example excessive drying of clothes on a radiator). Condensation and subsequent mould growth could also be due to a structural consideration, this must be explored, and improvements made following specialist damp advice.

Fit suitable mechanical extraction ventilation to any bathrooms or kitchen that have suffered from excessive condensation and mould.

Security

The following must be provided to ensure the property is maintained in a safe and secure condition:

- All external doors and frames must be of sound construction and be well maintained and fitted with five lever BSI mortice dead locks, unless they are multi-point locking UPVC.
- The rear door (if any) must be fitted with a mortice lock in addition to a barrel bolt OR a shoot bolt locking mechanism.
- Window locks should be fitted to all ground floor and vulnerable first floor windows. Keys to window locks must be readily available to tenants at all times.
- All windows, first floor or above, with a sill below 800mm should have window safety catches fitted to prevent anyone falling out of a window, especially small children.
- A door viewer and/or door chain should be provided to the front door where there is not a suitable glass panel.





- The gate from the rear yard to the lane must be provided with additional security by fitting a slam latch lock or hasp and padlock and the keys provided to the occupiers.
- The rear boundary of the property must be maintained to ensure it is secure and in good repair at all times and, where fitted, lane gates/doors must be provided with a suitable locking device.
- Hedges and/or fences to the front must not provide a hiding place for intruders.

Gas Safety

All gas appliances must have a safety check carried out every 12 months by a Gas Safe Registered Engineer. A copy of the current certificate showing the installation has passed must be provided with the application form.

A record of this safety check must be given to tenants within 28 days or to a new tenant when they move in.

A copy of the safety check must be kept for at least two years.

Electrical Safety

Any alterations to the electrical system must be made in accordance with Part P of the Building Regulations and BS7671 2018 Requirements for Electrical Installations.

A satisfactory Electrical Installation Condition Report (EICR) must be carried out on the property every 5 years. Any works identified as unsatisfactory must be completed before the property can be rented out. If the property is already tenanted these issues must be rectified immediately. The landlord must carry out a visual inspection at the beginning of a tenancy and at least annually thereafter. This inspection should cover all electrical items including socket outlets, light switches and distribution boards. Arrangements must be made to rectify any defects immediately.





All white goods supplied by the owner must be PAT tested and clearly labelled with the date. This must be done before tenants move into the property.

Safety of Furniture and Furnishings

All furniture and furnishings provided by the landlord must meet the requirements of the Furniture and Furnishings (Fire) (Safety) Regulations 1988. All new furniture must carry a permanent label describing the fire resistance of all the materials used. Unless a clause is included within the tenancy agreement this does not apply to the furniture provided by the tenant. Provision of furnishings and fittings which do not comply with the above regulations will be referred to Trading Standards and may result in legal action being taken against the owner, managing agent, and/or license holder.

Appendix 2

PLAN Code of Conduct

This Code of Conduct sets out the standard of management required from private landlords and letting agents in Northumberland. All PLAN landlords/agents are required to adhere to this to comply with the scheme requirements. It reflects a combination of legal duties and recognised industry good practice.

General conduct

The landlord must ensure that:

- They respond quickly to any to any intervention required by any Council department concerning the management or physical standards of the property such that formal action would not be required.
- They fulfil the conditions of the tenancy agreement and be a responsible landlord.
- They be responsible for the management of the tenancy.
- Letting Agents (Managing Agents) are required to be members of one of the 3 government-approved letting agency redress schemes.



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- They demonstrate a working partnership with Northumberland's Private Sector Housing Team as well as other Northumberland Council departments and Northumbria Police.
- They will always behave in a respectful manner.

Equality

Landlords must ensure that no person or group of persons will be treated less favourably than any other because of their race, colour, ethnic or national origin, age gender, disability or sexuality. Landlords must not discriminate against a tenant or prospective tenant because of their employment status or other personal circumstances.

Legislation

The landlord of a rented property has certain legal responsibilities as regards the management of the property as well as for safety of gas, electricity and the furniture provided. The landlord must ensure that they comply with all relevant legislation including, but not limited to:

- Housing Act 2004
- Deregulation Act 2015
- Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- Immigration Act 2014
- Energy Act 2011
- General Data Protection Regulation 2018
- Protection from Eviction Act 1977 as amended by S29 HA 1988
- Housing Act 1988 (Assured and Assured Shorthold Tenancies)
- Gas Safety (Installation & Use) Regulations 1998
- The Smoke-free (Premises and Enforcement) Regulations 2006
- Furniture and Furnishings (Fire Safety) Regulations 1988 (amended)
- The Equality Act 2010
- The Management of Houses in Multiple Occupation (England) Regulations 2006
- Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Tenant Fees Act 2019
- Homes (Fitness for Human Habitation Act 2018)
- Housing and Planning Act 2016





- Energy Efficiency (Private Rented Property) (England and Wales) Act 2015
- Anti social Behaviour, Crime and Policing Act 2014
- Environmental Protection Act 1990
- Regulatory Reform (Fire Safety) Order 2005

Continuing Professional Development and Training

Landlords are expected to improve and maintain their knowledge and competency by undertaking training and development opportunities. It is expected that landlords of accredited properties complete **at least five hours training per year**. This may include attendance on training courses relating to housing either locally or nationally, completing a recognised online training course or even attending a private landlord meeting or event.

It is a requirement that once becoming a PLAN member to complete a Level 1 Safeguarding Awareness Course within the first year and full details on this will be provided at the time of application approval.

Examples of recognised CPD which would contribute to the 5 hour requirement:

- Training courses in relation to housing related matters
- Landlord Forums
- Presentations in relation to housing related matters
- Landlord Association meetings
- On-line training courses

Pre - Tenancy Management

Advertising and Viewing

All property details must be reported accurately without misrepresentation to prospective tenants. Where a property is marketed at more than one source the details of the terms of the let should be consistent.



All prospective tenants will be granted an opportunity to view the property, with consent of existing tenants if required, prior to granting a tenancy. If, at the time of viewing, any works, refurbishment or new furniture are known to be required, those matters shall be recorded in writing and sent to the prospective tenants prior to signing the contract. A proposed list of the items to be provided will be available at all viewings.

Referencing

All landlords must obtain robust references for prospective tenants before they make a new tenancy agreement. The main purpose of referencing is to assist in the reduction of anti-social behaviour.

Landlords may be asked to provide evidence as to how the references have been obtained. Examples of information you will need from a prospective tenant will include:

- Current and previous addresses with landlord details from last three years (where applicable).
- Contact details including full name and dates of birth.
- Details of other persons who will be living with the tenant.
- Proof of identification.
- Proof of entitlement to remain in the UK

Other checks you may want to make are:

- Have they got written references from previous landlords or letting agents.
- Proof of employment.
- Whether or not they are a Local Housing Allowance (Housing Benefit) claimant.

All members of PLAN can access the free tenant referencing service for prospective tenants which includes previous housing history, affordability, crime and anti social behaviour markers.

Tenancy Agreement

All tenants should be provided with a valid written tenancy agreement, detailing the terms and conditions of which they occupy the house. The agreement will contain



details such as the length of the tenancy, rent payable, due date and include clauses regarding nuisances and anti-social behaviour.

Landlords must ensure that;

- They provide up to date tenancy agreements that use Plain English.
- Avoid using overlong and complicated contracts and comply with the Unfair Terms Regulations
- They act within the responsibilities contained within the agreement.

Tenancy agreement templates can be located at:

<https://www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy>

The NRLA also provide members full access to resources including tenancy agreement templates.

Tenancy Deposits

If a landlord is to request a returnable deposit it must be a reasonable amount. The landlord should issue a receipt for any deposit taken. The tenancy agreement should contain details of when a deposit would be withheld, i.e., for rent arrears, damages, clearance and any other reasonable costs insecure to the landlord by the tenant's breach of tenancy agreement.

The Rent Deposit Guarantee Scheme (RDGS) is a scheme to enable tenants to secure a tenancy by Northumberland County Council offering a 'paper bond' to the landlord on the tenants' behalf. This will cover up to the value of a month's rent and will last for a period of 12 months whilst the tenant saves to carry this forward after the initial period.

The Rent Deposit Guarantee Scheme (RDGS) is available to tenants who are unable to raise the funds from another source and the property they have identified is already accredited through Northumberland County Council's (NCC's) Private Rented Sector Accreditation Scheme. The tenant will also be required to complete the tenant referencing scheme before they are eligible for the RDGS.



Northumberland
County Council



As part of the RDGS the property will be eligible for a free inventory to detail the property condition in the event of a claim for damages. The tenant will be expected to open a savings account with Northumberland Community Bank to make regular savings to cover the bond cost when the initial RDG expires after 12months. The tenant will also have a dedicated support officer who will be able to assist with tenancy related issues.

Further guidance regarding the RDGS can be found in the RDGS policy document.

Protecting your Tenant's Bond/Deposit

Any bond or deposit must be protected by one of the government's nominated schemes within 30 days of receiving it from the tenant. If it is not protected within 30 days, a court order may be made requiring the tenant be paid three times the amount of the deposit and that the deposit is returned to the tenant or protected in a Scheme. Failure to protect a deposit will jeopardise possession proceedings using a section 21 notice.

After the deposit has been protected you must supply the Prescribed Information and comply with the Initial Requirements of the particular scheme that you use. The three Schemes have different rules and procedures that apply to them. These rules apply to anyone who receives a deposit and not just the landlord.

Further information regarding tenancy deposits schemes can be found at <https://www.gov.uk/tenancy-deposit-protection>

How to Rent Guide

At the outset of each tenancy, including tenancy renewals, the current paper copy of 'How to Rent' guide must be provided to all tenants. Failure to do so may invalidate a S21 notice.

A most up to date copy can be located at www.gov.uk/government/publications/how-to-rent

Tenancy Sign Up

A landlord will provide all necessary keys to the tenant on the first day of the tenancy.

A landlord will take meter reading from utility meters and provide a copy of the meter readings to the tenant.

Inventories

At the start of the tenancy, the tenant will be provided with an accurate inventory. This is so any disputes over the condition of the property, fixtures, fittings decoration and any furniture can be resolved easily at the end of a tenancy.

- An inventory will detail not only a list of furniture, fixtures and fittings but also provide a description of condition, decoration and cleanliness.
- The tenant should be given seven days to check and agree the inventory, particularly with regard to determining that appliances such as washing machines, ovens, showers etc. are in proper working order.
- The inventory will be checked and signed by both parties with each keeping a copy. Photographs are a useful method of verifying condition providing that they are clear. Any amendments to the inventory made during the year should be initialled or signed by both tenant and landlord.
- At the end of a tenancy, the landlord and tenant should check the condition of the furniture, fixtures and fittings against the original inventory and any photographs taken. This allows both parties to agree on the final condition of the property and its contents. Wear and tear should be considered. Contact will need to be made with the appropriate rent deposit scheme holder for any disputes over any proposed deductions.

Information given to tenants

A landlord must ensure that they provide the following details to each household: -

- The name, address and telephone number of the manager of the property.
- Instructions for using the heating system, the washing machine and any other gas and any electrical appliances provided
- Emergency contact numbers
- Response times on repairs (see Page 26)



- Suppliers of utility services and clarification on payment (top up card or bill)
- Refuse collection and recycling arrangements
- Copies of any standards which the landlord must, or has agreed to, comply with such as the code of conduct for PLAN or licence conditions if it is within a licensing area.

Energy Efficiency Measures

An Energy Performance Certificate (EPC) is to be provided to the tenant before they occupy the property. Failure to do so may invalidate a s21 notice. The certificate is valid for 10 years, but reinspection should be undertaken if any measures are carried out that will affect the rating during the ten-year term (The Energy Performance of Buildings (Certificates and Inspections) Regulations 2007, as amended). From 1 April 2020 all tenancies must be rated E or above.

During the Tenancy

Communication

Landlords must communicate clearly, promptly and informatively with the tenant on any matter that affects the property, its management and the tenant's safe and peaceful occupation of the accommodation.

Rent

The landlord must ensure that: -

- Prospective tenants are issued with a clear statement of the rent to be paid, including the dates when due and amount of rent to be collected. A clear method of payment should be agreed which should consider any rent not paid by direct methods.
- They provide written receipts and a proper rent account when requested by a tenant for monies demanded. Where a payment is made in cash a receipt must be issued at the time the payment is made.
- They carry out any rent reviews in line with the appropriate legislation.

- They liaise effectively and quickly with the appropriate authorities over matters of benefits for which the landlord may receive direct payment.
- Attempt to resolve the issues of arrears as soon as possible with the tenant. Advice and support should be sought if necessary.

Tenancy Disputes

The landlord must ensure that they;

- Advise a tenant how they wish to be contacted about any problems that arise during a tenancy.
- Provide emergency contacts for out of hours repairs, including any details of any service contracts which have been established.
- Keep all written records about property management.
- Keep a record of any complaint made by the tenant or a third party and record the outcome of the complaint.
- Seek to deal fairly with all parties and endeavour to resolve any disputes linked to the property, their tenant and their tenant's family and visitors to the property including a dispute with a neighbour, by informal means promptly and lawfully.
- Follow the due process of law in all disputes with their tenants, in relation to the recovery of rent arrears and the repossession of property.
- In the case of anti-social behaviour, reasonable steps must be taken to resolve the issue, which may involve liaising with the tenant, neighbour and relevant agencies. A landlord is not expected to take part in any resolution of a problem that may put them in personal danger.

Repairs, Maintenance and Property inspections

Landlords will respect the tenant's right to peaceful and quiet enjoyment of the property and must give the tenant adequate notice of entry before inspecting a property, except in the case of an emergency.

The landlord must ensure that they;

- Have an appropriate programme of inspection to ensure that the property is free from disrepair.
- Respond promptly whenever notified by their tenants that a repair is needed to the property. They will carry out all repairs within a reasonable time of being notified, and repairs will be completed to a satisfactory standard.
- Have established procedures for dealing with repairs and make tenants aware of these. The responsibility for repairs should be set out clearly in the tenancy agreement.
- Advise tenants of any planned programmes of repairs and carry these out with due regard to the convenience and access made available by the tenant.
- Have work carried out in a professional manner and consider the tenant to minimise disruption as far as possible.
- Make good decorative finishes for which they are responsible within a reasonable timescale.
- Ensure that under normal circumstances the following repairs completion performance standards should be achieved: -

Priority 1 – Emergency Repairs

Those that are required to avoid danger to health, risk to the safety of residents, or serious damage to buildings or internal contents – completed within 24 hours of report. In circumstances where this is not possible best temporary arrangements will be carried out.

Priority 2 – Urgent Repairs

Repairs to defects which materially affect the comfort or convenience of the residents – completed as soon as possible and as a maximum within five working days of report. Where a new appliance is required it will be replaced within 21 days of the initial report.

Priority 3 – Non-Urgent Repairs

Repairs not falling within the above categories – completed within 28 working days of report.

Within the responsibility of the landlord, ensure that the visual appearance of dwellings, outbuildings, gardens, yards and boundaries are maintained in a reasonable state so as

not to detract from the visual amenity of the area. This will include enforcing tenancy conditions where appropriate.

Waste Management

Suitable wheeled bins for the storage and disposal of refuse will be provided at the property. The bins must be kept within the boundary walls and placed out on the day of collection and returned to the property once they have been emptied.

Ensure at the start of any tenancy that there are the right bins in place for the tenant to use and where missing contact the Council in order to arrange replacement.

Landlords / managing agents will advise tenants of the arrangements for the collection of waste and provide information regarding recycling of their waste at the start of their tenancy.

Water, Electricity and Gas

The landlord must ensure that;

- The water supply and drainage is maintained in proper working order. In particular, storage tanks must be effectively covered to prevent contamination of water, and pipes should be protected from frost damage.
- An Electrical Installation Condition Report is carried out every 5 years and confirmed that the electrical installation is 'satisfactory'. This is now a legal duty and not a recommendation. The supply and maintenance of gas and electricity to the property is not unreasonably interrupted.
- The annual gas safety record and electrical installation condition report must be provided to the council within 7 days of the council making a written request for such.
- Gas Safety certificates must be retained for a period of at least two years.

Fire Safety and Carbon Monoxide Safety

The Regulatory Reform (Fire Safety) Order 2005 requires all landlords to conduct a fire safety risk assessment and implement any works deemed necessary to reduce risk from fire.

The landlord must ensure that;

- Means of escape from fire are kept free of obstruction and kept in good order and repair.
- Where provided, fire-fighting equipment, emergency lighting and alarms must be kept in good working order and tested on a regular basis.
- A property is fitted with adequate and working smoke alarms fitted in accordance with the relevant standard.
- All exit routes in a property including hallways, landings and staircases, so far as long as they are under the control of the landlord, should remain free of obstruction to enable safe evacuation in a fire.
- Carbon Monoxide Detectors are to be fitted in every room used as living accommodation where there is a solid fuel appliance.

Tackling Anti-Social Behaviour (ASB)

Landlords are required to take reasonable steps to tackle ASB when caused by their tenants. 'Reasonable steps' involve investigating any incidents of ASB regarding tenants and taking appropriate action where necessary. It also includes:

- Providing new tenants with a tenancy agreement which includes nuisance and annoyance clauses which will allow the landlord to take reasonable steps to tackle anti-social behaviour. You can contact the Private Sector Housing Team for further information and details on clauses that cover ASB.
- Landlords or their nominated managing agents are required to explain these clauses to new tenants at the tenancy signing up stage.
- Landlords or their nominated managing agent must recognise the importance of tackling anti-social behaviour in order to ensure that communities are safe and that areas do not suffer because of a failure to act.

- Landlords or their nominated managing agent are required to respond appropriately to any complaints alleging nuisance or ASB which has been made either directly to them or via Northumberland County Council.
- If you are concerned about behaviour of your tenant(s) or your tenants are experiencing anti- social behaviour from any property and you would like advice, please contact Northumberland Private Sector Housing Team for advice.

End of Tenancy

Landlords should serve correct notices, in a written form and on prescribed forms, in a timely manner should they wish to terminate a tenancy for a legitimate reason and refrain from any act of harassment, illegal or retaliatory eviction. Before any proceedings are commenced, the tenant should be notified of any breach of the tenancy agreement.

Viewings and Inspections for re-letting

In the weeks before the end of a tenancy the landlord must obtain the consent of the outgoing tenant for suitable times for viewings of the property.

Pre-end of Tenancy Visits

A landlord will arrange with their tenant to visit the property 7 days before the end of the tenancy to carry out an inspection and agree the arrangements for the end of the tenancy. This will allow both parties to discuss any potential problems with the tenancy and potential for deductions from the deposit.

Carrying out the inspection a week prior to the end of tenancy will allow the tenant an opportunity to rectify any identified problems, and therefore satisfy the landlord and avoid a claim against the deposit.

Utility Bills & Inventory

On the last day of the tenancy, closing readings for the utilities will be agreed and current suppliers identified. The landlord will notify the utility companies that supplies need to be billed to the landlord or incoming tenant the day after the outgoing tenant vacates. The landlord will request forwarding address for the tenant.

At the end of the tenancy the landlord will check the inventory preferably in the presence of at least one of the tenants to ensure that both parties agree the facts once the tenancy is ended.

Both parties will sign and date the exit inventory with a copy being issued to the departing tenant.

Returning Deposits

If a deposit was charged at the start of the tenancy then it must be administered according to the rules and regulations of the particular deposit scheme with which it was registered.

Any non-disputed amount will be returned to the tenant within the given time period or referred to the small claims court.

Untenanted/Empty Properties

The landlord must ensure that: -

- Empty properties are kept in a secure condition including setting of security alarms and providing contact details to a trusted neighbour or the Police.
- The property is checked regularly to ensure it is secure, free from external rubbish and litter, and that the roof, plumbing and fabric of the property is safe and sound.
- They respond quickly and efficiently to re-securing a property if it is broken into.
- Make efforts to ensure that properties do not remain void and are brought back into use as soon as is reasonably practicable.
- Notify straight away the Council Tax Team when the property becomes vacant and when it is tenanted again.

Code of Conduct and Fit and Proper Person Test

Fit and Proper Person Test

It is essential that a landlord or manager of a property is fit and proper to undertake the responsibilities of managing a private rented property.

The landlord or agent must not have:

- Committed any offence involving fraud or other dishonesty, violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- Practiced any unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying out of any business.
- Contravened any provision of the law relating to housing or of landlord and tenant law.
- Been refused a license or had a license revoked for any property in relation to HMO, additional or selective licensing under the Housing Act 2004.
- Been the owner or manager of a property which has had substantiated complaints from tenants or other sources regarding serious or repeated breaches of the conditions of a license; in relation to HMO, additional or selective licensing under the Housing Act 2004.
- Been the owner or manager of any property, which has been the subject of an interim or final management order or a special interim management order under the Housing Act 2004.
- Any conduct or business practices which are considered by Northumberland County Council to indicate unsuitability to be the license holder or manager of a licensed property.

