

PLuSS / Stockton-on-Tees Borough Council

CODE OF CONDUCT

August 2019

FOREWORD

PLuSS and Stockton-on-Tees Borough Council have a clear vision for the private rented housing sector within the borough, which is; **“for all privately rented properties to be of high quality and consistently well managed”**. This Code of Conduct has been developed between members of PLuSS and the Council and will go towards raising and maintaining property and management standards in the private rented sector.

Landlords* who are members of PLuSS should comply with the requirements of the Code of Conduct. The use of the word *‘must’* indicates a legal requirement, while the word *‘should’* or *‘will’* indicates that this is a requirement of the Code of Conduct and failure to adhere may mean a breach of the Code has occurred.

*Throughout this Code of Conduct where a reference is made to a landlord it includes their agents or representatives.

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1. GENERAL

- 1.1 Members will ensure that they comply with all relevant legislation including but not limited to:
- The Housing Act 2004
 - The Housing Act 1988 (as amended)
 - The Landlord and Tenant Act 1985
 - The Protection from Eviction Act 1977 (as amended)
 - The Gas Safety (Installation and Use) Regulations 1998 (as amended by The Gas Safety (Installation and Use) Amendment Regulations 2018)
 - The Electrical Equipment (Safety) Regulations 1994
 - The Furniture and Furnishings (Fire)(Safety) Regulations 1988 (as amended)
 - The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
 - The Environmental Protection Act 1990
 - The Immigration Act 2014 (“right to rent” legislation)
 - The Business Protection from Misleading Marketing Regulations 2008
 - The Consumer Protection from Unfair Trading Regulations 2008
 - The Consumer Rights Act 2015
 - The Deregulation Act 2015
 - General Data Protection Regulation 2018
 - The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
 - Homes (Fitness for Human Habitation) Act 2018
- 1.2 Members should comply with the Stockton Rental Standard and accompanying documents;
- 1.3 Members should not respond to disrepair complaints or complaints about their management practices from their tenants by using the Section 21 notice procedure to terminate the tenancy - otherwise known as “retaliatory eviction”. Members should be able to evidence that their complaints handling procedures have been followed and efforts made to resolve any complaints (for example: by providing copies of letters or emails);
- 1.4 Where members have nominated an agent to manage the property, then they should ensure that procedures and funds are in place to allow the agent to carry out the repairs required by general landlord repair legal obligations (for example: under the Housing Health and Safety Rating System or legislation referred to in clause 1.1. above);
- 1.5 If the member has nominated an agent or property manager, then they will advise Stockton-on-Tees Borough Council and PLS of the appropriate contact details of that agent or property manager within 5 working days. Such agent or property manager must be or become a PLS member;
- 1.6 If the member is an agent, then they must belong to a government-approved redress scheme (see <https://www.gov.uk/redress-scheme-estate-agencies>) and a government-approved Client Money Protection Scheme (see <https://www.gov.uk/government/publications/client-money-protection-for-letting-and-managing-agents/client-money-protection-for-letting-and-managing-agents>);
- 1.7 Members must, if required by Stockton-on-Tees Borough Council attend training or otherwise demonstrate competence in relation to any applicable housing related matter.

2. EQUALITY & DIVERSITY

- 2.1 Members will act in a fair, honest, reasonable and professional manner in their dealings with prospective and/or existing tenants nor discriminate because of their colour, creed, ethnicity, disability, age, sex or sexuality, marital status, politics or their responsibility for dependents.

3. PRE-TENANCY

- 3.1 Members should report all property details accurately and without misrepresentation to prospective tenants. In cases where a property is marketed via an agent then the member should ensure that the agent complies with this term;
- 3.2 All prospective tenants should be given the opportunity to view the property having due regard to the rights of the existing occupants;
- 3.3 Where an existing occupant is in situ then prior to conducting viewings the member must give the appropriate notice and seek the permission of that occupant before undertaking such viewings;
- 3.4 Parties interested in renting a property owned or managed by a member of PLuSS, should be provided with a copy of any contractual terms under which a property is offered, such terms to include details of rent, any fees payable in addition to rent and any arrangements involving tenants' guarantors. Interested parties are, when they specifically request in writing, permitted not less than 24 hours within which to seek independent advice regarding those contractual terms, during which time the property will not be re-marketed;
- 3.5 No monies for deposits or rents will be demanded before the signing and exchange of any letting agreement. The exception being when a deposit is given to hold a property for a given period before the tenancy has started, in which case a receipt must be given showing the terms of the deposit agreement;
- 3.6 General Data Protection Regulations (GDPR): Before the start of a tenancy prospective tenants should be informed about data that may be held about them and given an opportunity to give signed consent to basic data about them being put into a third-party tenant referencing database and held there after the end of their tenancy.

How to Rent guide

- 3.7 Members must provide a copy of the latest How to Rent guide booklet published by the Government to the tenant prior to the tenancy start and at each renewal of the tenancy and comply with the requirements therein;

Right to Rent

- 3.8 Members must seek to establish the right of the tenant(s) and members of their household to rent and occupy a residential property in the United Kingdom. For further information, please visit:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370559/guidance_0_summary_checklist.pdf for guidance on how to carry out the relevant checks and any penalties/fines for non-compliance with the legislation;

Energy Performance Certificate

- 3.9 Members must provide any prospective tenant with an Energy Performance Certificate (EPC) for the property you are letting. From the 1st April 2018, for each relevant domestic private rented property you must not grant a tenancy to new or existing tenants if the property has an

EPC rating of band F or above. You must acknowledge and ensure from 1st April 2020, you will not continue letting a relevant domestic property which is already let if that property has an EPC rating of band F or above;

Deposits

3.10 Where members take a deposit for an Assured Shorthold Tenancy, they must register with a tenancy deposit scheme as required by the relevant regulations issued under Part 6 of the Housing Act 2004. (Deposit Protection Service <https://account.depositprotection.com> , My Deposits <https://www.mydeposits.co.uk> or Tenancy Deposit Scheme <https://www.tenancydepositscheme.com>). Deposits must be protected within 30 days of receipt and occupants must be provided with prescribed information;

Inventory

3.11 Members should supply an inventory at the start of the tenancy, indicating the condition of the property, fixtures and fittings. The inventory must be signed by the landlord and countersigned by the occupant once both parties have had an opportunity to check it is a true and accurate reflection of the property or allow a period after signing for the tenant to raise objections. Where a letting/managing agent is employed, the landlord should at the start of the tenancy, personally sign the inventory to confirm his acceptance of the agent's description of the items listed in the inventory or delegate to the agent in writing responsibility for compiling the inventory and for deciding at the termination of the tenancy whether all or part of the deposit shall be returned to the tenant;

Tenancy Agreements

3.12 Members must provide a written statement at the start of the tenancy to the occupiers of the house, detailing the terms on which they occupy it; i.e. a tenancy agreement or licence agreement. Agreements must comply with the relevant housing legislation, the Consumer Rights Act 2015 and should be written in plain English, containing no contractual terms that conflict with any statutory or common law entitlement of the tenant. The letting agreement should include clauses requiring the occupants not to cause nuisance or behave in an anti-social manner and should also state who is responsible for water rates, utility charges (*where occupants are responsible for energy charges then they must have reasonable access to meters that record their energy usage*) and Council Tax. Upon request and within 14 days of that request members should supply to Stockton-on-Tees Borough Council a copy of that agreement;

3.13 The name and current address of the property owner/or manager of the property should be stated on the agreement, together with a contact telephone number and emergency contact details;

3.14 Where the member's or their agent's contact details change then the member or their agent will ensure that occupants are notified in writing of the new contact details within 5 working days of the change taking effect;

3.15 Members should provide all occupiers with written information detailing:

- i. Their responsibilities to maintain at all times any garden, yard and other external areas which are covered by the tenancy agreement, and to ensure they are kept in a reasonably clean and tidy condition;
- ii. Their responsibilities in respect of refuse storage and disposal, to include details of what day refuse collections take place, what type of receptacle to use for household waste and

- recycling and where to place refuse for collection and when to take the receptacle back in to the curtilage of the dwelling;
- iii. Their responsibilities to make arrangements for any extra rubbish that cannot fit in the bins to be collected and/or disposed of as soon as is reasonably possible and ensure that such rubbish, where possible, is stored at the rear of and within the boundary of the property until collection/disposal;
 - iv. The Stockton-on-Tees Borough Council bulky waste (such as furniture and white goods etc.) collection service and associated costs. (£15 for up to 6 items).

4. PROPERTY MANAGEMENT

Property Condition

- 4.1 Members should ensure that any properties ready to be let or are already let are in a good condition without any resolvable Category 1 hazards. This is in line with the standards set under the Housing Health and Safety Rating System described in Part 1 of the Housing Act 2004;
- 4.2 Members must ensure that any common parts or areas in accommodation which is to be let are maintained in a safe condition including the fixtures and fittings located there such as, handrails, banisters, stair coverings, carpets, windows (including locks and restrictors where applicable), balconies, roofs and any appliances located there which have been supplied under the tenancy;
- 4.3 Property inspections should be undertaken by members at their properties within 6 months of the start of the tenancy and thereafter members should take all reasonable steps to ensure the property is in a decent state of repair, occupants are complying with the requirements of the written agreement of occupancy and that the property is secure and has not been abandoned. Members will, therefore, commit to determining the frequency of carrying out such inspections, depending upon the type of property and occupant, i.e. more frequently if the property accommodates vulnerable tenants (a vulnerable tenant is anyone who is identified by a third party agency such as the police, social services, local authority etc.). When scheduling or carrying out landlord inspections, the member should at all times be aware of the tenant's "right to quiet enjoyment" of their home under the terms of the Tenancy Agreement;
- 4.4 Should a P LuSS or Stockton-on-Tees Borough Council property compliance check or the member's own periodic property inspection identify any defects or works that need to be undertaken, then such defects and/or works will be addressed in accordance with the requirements set out in paragraph 4.26;
- 4.5 At the start of the tenancy the landlord should ensure the property is clean. Where this has not been achieved and there is a material effect on the comfort and convenience of the occupants, the landlord will inform the tenants of the timescales in which the property will be cleaned; it is expected that these timescales will reflect an urgent response and should be undertaken within 5 working days;

Gas Safety

- 4.6 If gas is supplied to the property then all means of use and supply of mains gas, and alterations and repairs to gas installations, must comply with the current Gas Safety (Installation and Use) Regulations;
- 4.7 On an annual basis, gas appliances **should** be serviced and **must** be checked and certified by a Gas Safe registered engineer. Certification relating to the gas safety check must be provided

to all new tenants at the start of the tenancy, and copies of the gas safety check certification for any subsequent safety checks undertaken during the period of the tenancy must be supplied to tenants within 28 days of that safety check being conducted;

- 4.8 Upon request and within 14 days of that request, members should supply to Stockton-on-Tees Borough Council a copy of a valid gas safety certificate issued by a Gas Safe registered engineer within the previous 12 months, complying with the Gas Safety (Installations and Use) Regulations (as amended);

Safety of Electrical Appliances

- 4.9 Members should ensure that in accordance with the Electrical Equipment (Safety) Regulations 1994, all electrical appliances, other than those supplied by the occupiers, are maintained in a safe condition;
- 4.10 Upon request and within 14 days of that request, members should supply to Stockton-on-Tees Borough Council a copy of a declaration as to the safety of electrical appliances. By exception a certificate of Portable Appliance Testing may be required as part of this declaration;

Smoke Alarms

- 4.11 Members must ensure that during the tenancy smoke alarms are installed on each storey of a property where there is a room used as living accommodation and each prescribed alarm is in proper working order on the day the tenancy begins. They should replace or repair alarms (including the provision of batteries) where an alarm is reported as not working. Smoke alarms should have as a minimum, a ten-year lithium battery in a sealed unit, unless hard wired, and should comply with BS EN 14604. Members should also ensure that the tenant has the necessary information as to how to test the alarms installed;
- 4.12 Where any such alarm is installed, re-installed or tested members should retain evidence of installation, re-installation or testing;

For the benefit of landlords, such evidence could include, confirmation of the number and location of the alarms with photographs (capable of being provided digitally) as well as a "sign off" document (including an inventory) signed by the member or their agent/contractor and the tenant (a copy of which should be provided to the tenant). Any "sign off" document could also include a statement advising the tenant that such alarms are installed for their safety, are a regulatory requirement and must not be removed, tampered with or damaged;

- 4.13 Upon request and within 14 days of that request, members should supply to Stockton-on-Tees Borough Council a copy of a declaration as to the condition and positioning of such alarms; where a property is a House in Multiple Occupation (HMO) compliance with paragraph 9.4 will meet this requirement;

HMOs require more specific fire safety measures, such as mains powered smoke alarms and detection systems, fire doors and regular property management checks. Please see the LACORS Fire Safety Guidance <https://www.stockton.gov.uk/media/2755/lacors-fire-safety.pdf> document in this regard;

Carbon Monoxide Alarms

- 4.14 Members must ensure that where that room contains a solid fuel combustion appliance and is used wholly or partly as living accommodation that a carbon monoxide alarm is installed and must keep those alarms in proper working order;

- 4.15 Upon request and within 14 days of that request, members should supply to Stockton-on-Tees Borough Council a declaration as to the condition and positioning of such alarms;

Safety of Furniture

- 4.16 Members should ensure that all furniture, other than furniture supplied by the occupiers, whether new or second hand complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended) and is in a safe condition;
- 4.17 Upon request and within 14 days of that request, members should supply to Stockton-on-Tees Borough Council a declaration as to the safety of that furniture;

Door Locks and Keys

- 4.18 Where previous occupants have not returned the keys after vacating the property, members should change any access door locks. Such locks should be changed before a new occupant moves into the property and a minimum of one set of keys per door should be provided;
- 4.19 Members should ensure that a minimum of one set of keys per door are provided to the occupant. In addition where window locks and key operated intruder alarms are fitted then suitable keys should be provided;
- 4.20 Where alley gates are installed, then members should also ensure that the tenant is advised about how to obtain, from Stockton-on-Tees Borough Council, any additional keys;

Intruder Alarms

- 4.21 Where a code operated intruder alarm is fitted, members should provide the occupants in writing details of the code, how the alarm is operated and the circumstances under which the code for the alarm may be changed;

User Manuals

- 4.22 Where a property is provided with appliances, including but not limited to boilers, radiators, gas appliances, cookers, and fire detection systems, then upon request and within 14 days of that request, members should provide occupants with copies of user manuals or online direction to source manuals relating to the operation of equipment in the property;

Repairs and Maintenance

- 4.23 In addition to any repair responsibilities expressly set out in the tenancy agreement; common law and statute will imply terms to the agreement between landlord and tenant. These are obligations between the landlord and tenant, which may not be set down in the agreement but which are given by law and are implied into all tenancy agreements. These terms form part of the contract, even though they may not been specifically agreed between the two parties;
Tenant damage, rent arrears or similar do not remove a members responsibility to undertake repairs.
- 4.24 Members will be specifically responsible for the repair and maintenance of the following:
- Structural problems or anything involving the outside of the building (including problems with pipes, drains and gutters);
 - Problems associated with utility supplies such as water, gas and electricity;
 - Broken water heaters, radiators or other heat sources;
 - Plumbing problems or anything affecting baths, showers, sinks or toilets;
 - Large electrical appliances such as refrigerators, freezers, dishwashers and washing machines (if supplied by the landlord);

- Insulation issues or structural damage brought about by damp;
- Any furniture or accessories supplied with the accommodation that experience problems due to age or “normal” wear and tear;

4.25 Members should have in place the relevant procedures for dealing with reports of disrepair issues from occupants. In addition, members should ensure that at the start of occupation, the occupants of the property are provided with written instructions covering the member’s repair or damage reporting procedures. Details should enable contact between 9am-5pm, Monday to Friday and should include an out of hours contact number for use in emergencies. (Members should be aware that PLuSS or Stockton-on-Tees Borough Council may request to see evidence that such reporting procedures are in place);

4.26 Those procedures should ensure that reasonable and practical action is taken to respond to and complete emergency repairs, and to respond to any complaint made about or disrepair, maintenance and pest infestation issues at their property in line with the guidance in Table 1;

Table 1

Type	Repair	Timescale
Emergency	<i>Repairs required to deal with an immediate risk to the safety of occupants or serious damage to buildings or contents; e.g. Heating and hot water breakdown; Failure of the automatic fire detection and warning system; Any leaking roof covering, water pipe, waste pipe, boiler, tank or cistern leading to flooding within the property; Blockage of any drain, soil pipe or water closet, leading to a build-up and/or ingress of sewage within any part of the property or within the curtilage of the property; Damage to roof coverings and/or other components where there is a risk of harm from falling objects; Making secure any window or door which has been left insecure.</i>	24 hours
Urgent	<i>Disrepair that poses a long term risk to occupants and affects their well-being and comfort, e.g. roof leaks, blocked gutters and drains, dampness, unsafe walls, fire safety issues that are not an emergency.</i>	5 days
Non urgent repairs	<i>Repairs not falling within the above categories, causing discomfort and inconvenience e.g. easing doors (other than fire doors) and windows, repairs to loose plasterwork, floors, cupboards, external lighting, paths, gates and fences</i>	28 days

4.27 Members should ensure that all repairs to the house or any installations, facilities or equipment within it are carried out by competent and suitably qualified persons and that they are carried out to a reasonable standard. For example Gas Safe registered operatives for gas appliances and an electrical contractor who is a member of an approved scheme, such as NICEIC, ECA, BSI, NAPIT, ELECSA or BRE;

4.28 Members should ensure repairs are undertaken to the exterior of the property (including boundary walls and fences) and that it is maintained in a reasonable decorative condition and state of repair and that the property is not detrimental to the neighbourhood. This should include arranging for the removal of any graffiti, within 7 days of becoming aware of that graffiti;

4.29 Members will take all reasonable steps to ensure that gardens and outdoor spaces are maintained and tidy.

4.30 Where any works are to be carried out to the house, where appropriate, consent from Stockton-on-Tees Borough Council Building Control Department, must be obtained prior to those works commencing;

- 4.31 The member will provide a minimum of 24 hours' notice in writing prior to them or their contractor visiting the property for any reason unless it is a case of emergency. Non-emergency visits must be carried out during normal business hours unless by prior arrangement with the tenant;
- 4.32 Where a contractor is engaged to visit the property on behalf of the member or the member's agent then the member or the agent will ensure that that contractor is able to provide suitable identification to the tenant on arrival at the property;
- 4.33 Where members or their agent or contractor, on visiting a property, becomes aware that a child under the age of 16 resides at the property but that no "responsible adult" is present at the time of the visit then he/she should not enter the property unless it is an absolute emergency;
- 4.34 Where members, on visiting a property have any concerns regarding the health, safety, well-being or vulnerability of any child or other person at the property they should make a report to either the Local Authority child safeguarding (**Children's Hub on 01429 284284 or e-mail: childrenshub@hartlepool.gov.uk**) or adult safeguarding team (**Stockton-on-Tees Borough Council First Contact team on 01642 527764**) or the local Police as soon as is reasonably practicable. The member can also report such concerns to PLuSS who will then inform the relevant Local Authority of the safeguarding concerns;
- 4.35 Where major works, which make the property uninhabitable, are required during the period of the tenancy, the member should ensure that suitable alternative accommodation for the tenant is provided for the period during which works are carried out and during which the property remains Uninhabitable;
- 4.36 The member will ensure that utility supplies to an occupied property are not unreasonably interrupted during any planned or emergency maintenance work.

5. WASTE & REFUSE MANAGEMENT

- 5.1 Upon request and within 14 days of that request, members should supply to Stockton-on-Tees Borough Council a copy of the written information relating to refuse storage and disposal, provided to occupiers (see 3.15);
- 5.2 Members should ensure that facilities are provided at each property for the proper disposal of household refuse and waste and the tenant(s) is made aware of how to obtain replacement or additional refuse disposal bins, boxes or bags from the Local Authority;
- 5.3 Members should ensure that gardens, yards and other external areas are cleared of household and garden waste and other rubbish, debris and accumulations at the end of each tenancy and thereafter maintained that way between tenancies;
- 5.4 Members should ensure that all refuse and unwanted items are cleared from the house before a new occupant moves in. All refuse/rubbish should be disposed of properly to a registered waste management facility or should be removed by a properly registered waste carrier.

6. TACKLING ANTI-SOCIAL BEHAVIOUR

- 6.1 Members should take all reasonable and practical steps are taken to prevent and deal with instances of anti-social behaviour in all its guises.
- 6.2 The member will ensure that they investigate complaints of anti-social behaviour linked to their property or properties. Relevant procedures will include, but are not limited to, written

communication with the tenant. Upon request and within 14 days of that request, members should supply to Stockton-on-Tees Borough Council a record of such communication;

- 6.3 Members should ensure that the tenant/occupant is made aware, in writing of their own personal responsibility for their own behaviour and the behaviour of others both living at and visiting the address. Occupants shall be made aware that if they, other occupiers or their visitors:
- i. Engage in criminal activity in the locality; or
 - ii. Cause nuisance or annoyance to neighbours; or
 - iii. Use abusive or threatening language or behaviour to neighbours; or
 - iv. Fail to store or dispose of refuse properly; or
 - v. Cause damage to fixtures, fittings, fire prevention or alarm equipment or installations, or to the fabric of the property; or
 - vi. Fail to give access to the landlord or his agent upon reasonable notice, to inspect and undertake works with their property [or for the purpose of maintaining communal areas];

They may be liable to enforcement action which may include possession proceedings either under the terms of the tenancy, pursuant to section 21 of the Housing Act 1988 or pursuant to Grounds 13 or 14 of schedule 2 of the Housing Act 1988. Alternatively the landlord, Stockton-on-Tees Borough Council and/or the Police may seek an injunction under the Anti-Social Behaviour Crime and Policing Act 2014;

- 6.4 Upon lawful request, when investigating a criminal offence, including but not limited to anti-social behaviour, Stockton-on-Tees Borough Council and/or the Police should be provided, with written notification within 7 days of that request, the full names and date of birth of each occupant of the property;
- 6.5 Members should ensure they co-operate with Stockton-on-Tees Borough Council, Cleveland Police and any other relevant agencies in resolving complaints of anti-social behaviour or criminal activity involving tenants, occupiers or visitors to the property;
- 6.6 Members and/or their nominated managing agent should respond to any complaints regarding their tenants or property and take action where appropriate;
- 6.7 Cleveland Police and Stockton-on-Tees Borough Council should be informed immediately by members, where they have reason to believe that their occupant's behaviour or the behaviour of any other occupant or visitors to the property involves criminal activity, in relation to the property;
- 6.8 Members should ensure that they attend, or be represented at home visits, interviews, multi-agency meetings or case conferences arranged by Stockton-on-Tees Borough Council or its partners when invited;
- 6.9 Members should ensure that the occupants of the property are made aware of the services available to them and how they too can report nuisance and anti-social behaviour to Stockton-on-Tees Borough Council or Cleveland Police;
- 6.10 Members should provide to the occupants of adjoining/neighbouring properties, up to date name and contact details of the person responsible for managing the adjacent rental property.

7. CHANGES TO TENANCY

- 7.1 When seeking to terminate a tenancy, via a Section 21 or Section 8 Notice, the tenant(s) must be provided with a copy of the relevant Notice. During this time members must not be involved in any activity that could constitute the illegal eviction or harassment of the tenant. When serving a Section 21 or Section 8 Notice the member will ensure that the tenant is instructed what to do if they need advice regarding the notice;
- 7.2 Where a tenant surrenders their tenancy and/or returns the keys of the property to members then the member should, where possible, obtain written and signed confirmation from the tenant that they wish to surrender the tenancy/return the keys and that this has been a voluntary decision on the tenant's part;
- 7.3 Where a Section 8 Notice is served on a tenant on the grounds of rent arrears, the member will ensure that a full itemised breakdown of rental payments missed and payments made, along with a running total, is provided to the tenant;
- 7.4 When proposing to the tenant(s) a review of or an increase in the rent, the member will follow the rent review procedures contained in the Tenancy Agreement and give the tenant(s) the proper required notice of the review or increase;
- 7.5 The member will make sure that the tenant is made aware of the tenant's legal obligations as to the giving of notice to the member (or their managing agent) where the tenant wishes to terminate the tenancy.

8. END OF TENANCY

- 8.1 The member will arrange for an appropriate inventory to be carried out at the end of all tenancies. Such inventory to include photographic records where relevant as well as exit utility meter readings. Where possible inventories should be signed and dated by the tenant or tenants and the member/agent/inventory clerk with both parties retaining a copy. In the event that a tenant or a tenant representative is unable to sign the document then they should be e-mailed a copy of the inventory within 5 working days of completion;
- 8.2 The member will reconcile any tenancy deposits in the time frame specified by the appropriate Tenancy Deposit Scheme;
- 8.3 The member will notify all utility companies, the local Council Tax department and, if appropriate, the local Housing Benefit department of the tenancy termination date within 5 working days of termination;
- 8.4 The member will ensure the property is safely secured whilst empty, the external areas are free from waste and any grounds, gardens or yards are kept in decent order.

9. HOUSES IN MULTIPLE OCCUPATION (HMOs)

- 9.1 Your property is a House in Multiple Occupation (HMO) if both of the following apply:
 - i. The property is occupied by 3 or more persons, living as two or more households*;
 - ii. Facilities are shared, e.g. a toilet, bathroom or kitchen facilities, or the same facilities are lacking from an occupiers unit of accommodation;

Members who own HMO's which are occupied by 5 or more persons living as two or more households in a property must obtain a licence from Stockton-on-Tees Borough Council;

A household is either a single person or members of the same family who live together. A family includes people who are:

- Married or living together - including people in same-sex relationships;
- Relatives or half-relatives, for example grandparents, aunts, uncles, siblings;
- Step-parents and step-children;

HMO and HMO licensing information can be found online as well as the application form see link:

[HMO Licence application](#)

9.2 Where properties are let as Houses in Multiple Occupation then different standards to single dwelling houses apply. This ranges from fire safety to the provision of amenities. Members must ensure that any such property meets the minimum standards required by PLuSS and Stockton-on-Tees Borough Council. Further details can be found in the HMO Amenity standards guidance <https://www.stockton.gov.uk/media/1959033/sbc-amenity-standards-1208.pdf> and LACORS Fire Safety Guidance <https://www.stockton.gov.uk/media/2755/lacors-fire-safety.pdf> ;

9.3 The Management of Houses in Multiple Occupation (England) Regulations 2006 applies to ALL HMOs, not just a House in Multiple Occupation which needs a licence. Therefore members must manage their HMOs in accordance with these regulations;

It is important to note that the HMO Management Regulations are intended to ensure active management of the HMO property. In many residential lettings, landlords and agents only deal with problems as they are reported by the occupants. However in a HMO property, if you don't do anything until it is reported to you, you will then ALREADY be in breach and vulnerable to prosecution. So you need to do more visits than you would for a non HMO property and take a more direct involvement in how your tenants use the property;

9.4 HMOs will require a higher standard of fire safety and where a fire alarm system and or emergency lighting is installed the member agrees that such systems will be maintained and serviced in accordance with the recommended guidelines;

Upon request and within 14 days of that request members should provide to Stockton-on-Tees Borough Council a copy of a valid certificate relating to the following installations, where applicable in the house:

- i. Fire Detection and Alarm System
- ii. Emergency Lighting System

9.5 Members should provide mail storage facilities for each occupier in the communal area of the building or provide an alternative secure delivery address. Such facilities are only required for the temporary sorting and storage of mail, until such time that the tenant can collect.

10. STOCKTON RENTAL STANDARD

Stockton-On-Tees Borough Council has a clear vision for the private rented housing sector in the Borough - **for all private rented properties to be of a high quality and be consistently well managed.**

We know the majority of landlords* are good landlords and that they are already meeting the standards set. However, there are a few who are either not aware of the requirements or have no intention of raising their property and management standards. The purpose of the Stockton Rental Standard is to provide a quick and easy guide detailing what is expected of all private sector landlords operating within the Borough, whilst helping to ensure privately rented properties are of a consistently high quality.

Additional regulations apply to Houses in Multiple Occupation and for further information on these landlords are advised to call the Private Sector Housing Team on 01642 527797.

**Throughout this document where a reference is made to a "landlord" it includes their agents or representatives.*

How to use the Stockton Rental Standard

The Stockton Rental Standard covers both property and management standards.

The use of the word 'must' indicates a legal requirement while the word 'should' indicates best practice. Where a landlord 'should' do something and has not, they will need to justify their reasons for not doing it.

Landlords are encouraged to read the Stockton Rental Standard in conjunction with the **Stockton Rental Standard Guidance Document** and **Stockton Rental Standard Contact List**.

Property Standards

<https://www.stockton.gov.uk/media/1959033/sbc-amenity-standards-1208.pdf>

1. Landlords **must** ensure that their properties provide a safe and healthy environment for any potential occupier or visitor. This includes, but is not limited to ensuring that the property is:
 - Free from damp and has adequate natural or mechanical ventilation where necessary to control moisture levels.
 - Provided with adequate thermal insulation and a suitable and effective means of space heating so that the dwelling space can be economically maintained at a reasonable temperature.
 - Free from Category 1 hazards* with all other hazards managed to an acceptable risk level and that the property provides a safe and secure home for tenants.
2. Landlords **must** ensure that all rental properties have at least one working smoke alarm installed on every storey of their rental property. They also **must** have a carbon monoxide alarm in any room where a solid fuel burning appliance is used and must ensure that the alarms are in working order at the start of each new tenancy.
3. Landlords **must** ensure that the electrical installation is safe and that adequate checks are undertaken on each property (best practice would include obtaining an electrical safety certificate).
4. Landlords **must** ensure any furnished properties comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.
5. Landlords **should** ensure all properties are provided in a clean decorative condition at the start of each tenancy.
6. Landlords **should** ensure that all gardens are in a clean and tidy state at the start of each tenancy.

* See the Housing health and safety rating system (HHSRS): Guidance for landlords and property related professionals for further information. Available from the Gov UK website

Management Standards

7. Landlords **must** comply with all relevant housing legislation and regulations, including but not limited to the following:
 - An annual gas safety inspection **must** be carried out in properties with gas installations.
 - The property **must** have an Energy Performance Certificate; the rating *should* be "E" or better.
 - Where the tenancy is an Assured Shorthold Tenancy (AST) any deposits taken **must** be protected under a Government approved scheme.
 - Correct legal procedures for possession **must** be followed in all cases.
8. Tenants *should* be provided with a written tenancy agreement at the start of a new tenancy and in any event **must** be provided with a copy of the Government Guide: How to rent; the checklist for renting in England. Model tenancy agreements and the checklist are available from www.gov.uk
9. Landlords **must** check all tenants' right to rent, details on this can be found at www.gov.uk
10. Landlords **must** respond to any reported repairs in a timely and professional manner.
11. Landlords **must** give at least 24 hours written notice for access in all cases except where access is required in a genuine emergency.
12. Landlords *should* try to minimise void periods or when this is unavoidable are encouraged to contact the Private Sector Housing's Empty Homes Team on 01642 527797 for advice and assistance.
13. Landlords *should* always act in a fair, reasonable and professional manner in their dealings with tenants. Landlords **must** not discriminate because of colour, ethnicity, disability, age, sex, or sexuality.
14. Landlords are encouraged to work in partnership with the Council and its partners (including for example the Police, Fire Brigade and UK Border Agency) on initiatives to ensure that properties and/or tenants do not cause a nuisance to neighbours and the local community. This includes:
 - Joining our **free** Landlords Accreditation Scheme (LAS).
 - Working with us to address incidents of any illegal/criminal and anti-social behaviour, associated with your tenant/s and or property.
 - Working with the Council on future private sector improvement initiatives.
 - Seeking support from the Private Sector Housing Team if you have any queries about your obligations as a private landlord.

Finally, landlords are reminded that safeguarding of children and vulnerable adults is everyone's responsibility. Should you ever have any concerns regarding the health or well-being of a child please contact the Children's Hub on 01429 284284 or email: childrenshub@hartlepool.gov.uk. And for any concerns regarding a vulnerable adult please contact the Council's First Contact Team on 01642 527764 or email: privatesectorhousing@stockton.gov.uk for advice and support.

Should you have any queries regarding the Stockton Rental Standard please contact:

Stockton-on-Tees Borough Council
Private Sector Housing
16 Church Road, Stockton-on-Tees TS18 1TX
Telephone: 01642 527797
Fax: 01642 526541
Email: privatesectorhousing@stockton.gov.uk
