

DATA LABEL: PUBLIC



## **HOUSING SERVICES POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **INTRODUCTION OF A PRIVATE LANDLORD ACCREDITATION SCHEME**

#### **REPORT BY INTERIM HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES**

##### **A. PURPOSE OF REPORT**

The report presents a draft Private Landlord Accreditation Scheme which is intended to support an increase in engagement from private sector landlords and to promote landlords who take a responsible approach to letting their properties.

##### **B. RECOMMENDATION**

It is recommended that the Panel note and provide comment on the draft Private Landlord Accreditation Scheme.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Anti-Social Behaviour etc. (Scotland) Act 2004 placed a duty on local authorities to maintain a public register of private landlords.
<b>III Implications for Scheme of Delegations to Officers</b>	An addition will be made to the Scheme of Delegation to reflect the exercise of the power and use of the procedure.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	None.

<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None.
<b>VII</b>	<b>Consideration at PDSP</b>	N/A
<b>VIII</b>	<b>Other consultations</b>	Housing Needs Service

## **D. Terms of the Report**

### **D.1 Background**

The Scottish Government and Communities Scotland recognise Landlord Accreditation Schemes as an effective way of raising the standards within and recognising good practice for private rented housing. It is proposed that the Council introduces a Private Landlord Accreditation Scheme which would require accredited landlords and letting agents to comply with a voluntary Code of Standards relating to the management and physical condition of their property.

### **D.2 West Lothian Private Landlord Accreditation Scheme**

The draft West Lothian Private Landlord Accreditation Scheme would give recognition to landlords who are complying with their legal requirements and the Council's Landlord Accreditation Scheme Code of Standards (the Code of Standards), as set out in Appendix 1. Acceptance as an accredited landlord would rely on self-certification by the landlord or letting agent, confirming that their property and management practice meet the Code of Standards. Random property and tenant inspections will be carried out by the Council's Landlord Registration Team, to ensure these standards are being maintained.

Landlords have a legal duty to ensure that their properties meet the Repairing and Tolerable Standard under the Housing (Scotland) Act 2006. The Code of Standards would be a voluntary code which the landlord agrees to adhere to, which would enhance the basic standards required by the legislation. The Code of Standards will be largely based on the National Core Standard and Good Practice Guidance for Private Landlords and Local Accreditation Schemes by Communities Scotland- these were designed to assist Local Authorities in the development of voluntary Landlord Accreditation Schemes.

The introduction of a Landlord Accreditation scheme would support frameworks to ensure that we encourage a thriving and compliant private housing sector in West Lothian. The service regularly holds forums to ensure that landlords are up to date with any legislative changes. Through these forums, landlords have expressed that they feel there is little recognition for the landlords who meet their legal requirements. The accreditation scheme would, therefore, promote best practice within the sector and provide recognition to those meeting the legal requirements.

Accredited landlords would have the option to give their consent for the Council's Housing Option service to advertise their empty properties to customers who present as homeless. The list of empty properties would be maintained by the Council and therefore poses no additional burden on landlords.

Whilst there will be stipulations imposed on the landlords (such as attending at least one training event per year) and maintaining their standard of property, the Landlord Accreditation Scheme will be operated and managed internally, by the Landlord Registration Team. The costs will wholly be covered by the income from landlord registration fees. Becoming an Accredited Landlord will, therefore, have no cost implication on the landlord.

### **D.3 Operation of the Landlord Accreditation Scheme**

In order to be accepted on to the Landlord Accreditation scheme, landlords and letting agents will be required to apply to the Landlord Accreditation Scheme and submit the required evidence. This application would then be assessed to ensure legal compliance and the property(s) would be inspected by the Technical Officer (Private Rented Sector) to ensure that they were meeting the legal standards. Once the property checks had been undertaken, the landlord/ agent would be advised of the outcome.

Before being approved, a questionnaire will be issued to the landlord's current tenants to allow them to give feedback as to how the landlord manages their property(s) and tenant(s).

If approved, landlords would be issued with a copy of the "Councils Code of Standards to Private Renting" to sign and return. On receipt of this signed document, an "Approved Landlord Accreditation" card would be issued alongside an advisory leaflet detailing the benefits of being an accredited landlord/ agent.

Any Landlord who is not approved for inclusion on the Landlord Accreditation Scheme will be given feedback as to how to meet the Accreditation Standards with an invitation to re-apply once their property meets the required standards.

## **E. CONCLUSION**

The implementation of a Landlord Accreditation Scheme will help increase landlord engagement with the Council and promote landlords who take a responsible approach to letting their properties.

### **BACKGROUND REFERENCES**

- <https://www.landlordaccreditationscotland.com/wp-content/uploads/Scottish-Core-Standards-for-Accredited-Landlords-and-Letting-Agents-2019.pdf>

### **Appendices/Attachments: 1**

**Appendix 1-** Draft Code of Standards

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**Date of Meeting:** 15<sup>th</sup> November 2022

# **WLC Landlord** **Accreditation Scheme** **Code of Standards** **For Private Renting in** **West Lothian**

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## Introduction

West Lothian Council's Landlord Accreditation Scheme has adopted this Code of Standards largely based on the National Core Standards produced in consultation with landlords and consumer groups by Communities Scotland and the Scottish Executive.

The aim of these standards is to assist landlords and letting agents by providing guidelines for good practice and to promote awareness of landlord and tenants' obligations.

The standards reflect a combination of current legislation, good practice and common sense. They are reasonable, realistic and are not designed to be onerous or difficult.

Landlords who already carry out good management practices will find themselves well on the way to achieving the standards set out within this framework.

The standards are organised around 9 categories

1. Communication with the Tenant
2. Equality Issues, Complaints and Disputes
3. Management of the Tenancy
4. Minimum Property Condition
5. Repairing Standard
6. Repairs and Maintenance
7. Facilities and Fittings
8. Energy Efficiency, Insulations and Heating
9. Health, Safety and Home Security Features

For a landlord or letting agent to be accepted onto the accreditation scheme, all the standards must be met and adhered to.

The use of the word 'landlord' throughout this document refers to private landlords and letting agents.

## 1. COMMUNICATION WITH THE TENANT

- 1.1. The landlord should 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.

## 2. EQUALITY ISSUES, COMPLAINTS AND DISPUTES

- 2.1. In letting and managing accommodation, a landlord must ensure that no person or group of persons is treated less favourably than any other person or group of persons because of their race, colour, ethnic or national origin, sex, disability or sexual orientation.
- 2.2. A landlord must not unreasonably withhold consent to tenants to adapt rented accommodation to meet the needs of disabled occupants.
- 2.3. The landlord should not discriminate against a tenant or prospective tenant because of their entitlement to Housing or other Benefits and should not advertise vacant properties in a manner that could be described as discriminatory.

### Complaints

- 2.4. At the outset of a tenancy, the landlord should advise the tenant in writing of the way or ways that complaints should be registered.
- 2.5. A record should be kept by the landlord of complaints made by the tenant in writing of the way or ways that any complaints should be registered.

### Disputes

- 2.6. The landlord should seek to resolve any dispute linked to the tenancy or property involving their tenant, including a dispute with neighbours, promptly and lawfully.

## 3. MANAGEMENT OF THE TENANCY

### 'Fit and Proper' to let

- 3.1. The landlord should be registered, along with their rental properties, with the local authorities Private Landlord Registration Scheme. The landlord must include their landlord registration number on all adverts for properties to let (reusable 'To Let' boards are exempt).
- 3.2. The landlord or letting agent should not have a conviction that is relevant to carrying out residential letting.
- 3.3. A landlord letting a property to three or more unrelated individuals should provide evidence of their HMO (House in Multiple Occupation) license.

### Pre-Letting Procedures

- 3.4. Permission for the property to be used for letting should be obtained from the mortgage lender, where appropriate.
- 3.5. Landlords should have adequate buildings insurance and must have third party insurance.
- 3.6. Landlords should not let the accommodation where it will result in the property becoming overcrowded and must take reasonable steps to assess this before the tenancy commences. The landlord shall in place ways of monitoring the occupancy of the property.
- 3.7. Prospective tenants should be given clear and accurate details of:
  - The accommodation to let properties
  - The rights and responsibilities of the tenant and landlord



- The rent, service charges, utility and Council Tax liabilities of both parties and any other charge the tenant is responsible for.

- 3.8. No payment must be taken from a prospective tenant to have their name placed on an accommodation list.
- 3.9. The first rent payment must be taken from a prospective tenant to have their name placed on an accommodation list.
- 3.10. Any administration charges to a new tenant must reflect only actual costs incurred.
- 3.11. A landlord shall not make any charge to a tenant in relation to a tenancy agreement being created.

#### The Tenancy Agreement

- 3.12. From December 2017 the only tenancy type which can be created is a Private Residential Tenancy Agreement.
- 3.13. The Scottish Government provide a Model Tenancy Agreement which includes, a tenancy agreement and all the terms you are required to give a tenant under the legislation.
- 3.14. Landlords can include additional terms within the agreement as long as they are reasonable, fair and lawful terms.

#### Rent and other Charges

- 3.15. The tenancy agreement should set out:
  - The rent due;
  - The period of payment
  - The method of payment; and

And the responsibility of the tenant for:

- Any service charges;
- Council tax
- Utility costs; and
- Any other charges

#### Deposit

- 3.16. The landlord can't discriminate against a prospective tenant who intends to obtain a deposit, rent or rent guarantee, from a recognised scheme designed to help low income tenants to gain access to private rented accommodation.
- 3.17. Where a deposit is required, it must be no more than the equivalent of 2 months rent and the tenant should receive a written statement of what the deposit (or guarantee) covers, a statement of what will require to be done, or in place, for the full deposit to be returned at the end of the tenancy.
- 3.18. The tenant should be provided with a receipt for a deposit.
- 3.19. The landlord will pay the deposit into a tenancy deposit scheme with the timescales laid out in the Tenancy Deposit Schemes (Scotland) Regulations 2011. The tenant will be given notification of the scheme their money has been lodged with.
- 3.20. The deposit or part of the deposit, if any, will be refunded to the tenant within the timescales as laid out in the Tenancy Deposit Schemes (Scotland) Regulations 2011.

#### Inventory

- 3.21. At the start of the tenancy, the tenant should be provided with an inventory. The tenant should be given up to 7 days to check and agree with the inventory.
- 3.22. A revised inventory should be given to the tenant when there is an agreed change to the contents of the original inventory.

- 3.23. At the end of the tenancy, the landlord should check the inventory. The tenant should be invited to attend the inventory check and, if they wish to, arrange a mutually suitable time

#### **4. MINIMUM PROPERTY CONDITION**

- 4.1. The tenant's accommodation, or the house in which it is located, must meet the Tolerable Standard outlined within the Housing (Scotland) Act 1987. It must meet each of the following criteria;

- Be structurally stable
- Be substantially free from rising or penetrating damp
- Have satisfactory provision for natural and artificial lighting, for ventilation and heating.
- Have adequate piped supply of wholesome water available within the house.
- Have a sink provided with a satisfactory supply of both hot and cold water within the house.
- Have a water closet available for the exclusive use of the occupants of the house and suitably located within the house.
- Have a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water, suitably located within the house.
- Have an effective system for the drainage and disposal of foul surface water.
- Have satisfactory facilities for the cooking of food within the house.
- Have satisfactory access to all external doors and outbuildings.
- Has satisfactory provision for detecting fires and for given warning in the event of a fire or suspected fire.

- 4.2. The minimum size of properties to be let will be decided on their individual merits.

#### **5. REPAIRING STANDARD**

- 5.1. A private rented property must meet the Repairing Standard as follows;

- The house is wind and watertight and in all other respects reasonably fit or human habitation.
- The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.
- The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.
- Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.
- Any furnishing provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed.

- 5.2. The landlord must inspect the property before the tenancy starts for the purpose of identifying any work necessary to comply with the Repairing Standard and notify the tenant of any such work.

- 5.3. The landlord shall undertake a risk assessment of each property detailing potential risks, measures to mitigate against risks and any tenant responsibilities to prevent such risks manifesting. The risk assessments shall be available to the tenant at the start of the tenancy.

## **6. REPAIRS AND MAINTENANCE**

- 6.1. Access to the property by the landlord or letting agent (or anyone acting on their behalf) for a repair inspection or for carrying out a repair should be the subject of mutual agreement between the landlord and the tenant.
  - 6.1.1. The tenant must give the landlord reasonable access to the property but failing mutual agreement. Landlords must give 24 hours advance notice in writing of their intention to enter the property – except where an emergency repair is required.
- 6.2. The landlord or letting agent should provide the tenant with a contact name and phone number for emergency and non-urgent repair requests to be made. If appropriate, emergency numbers for tradesmen should be made available to the tenant.
- 6.3. The tenant shall be informed what types of repairs constitute emergencies and that such repairs will be carried out within 24 hours of being reported.
- 6.4. Where the landlord carries out major repairs or improvements to the property during the tenancy that restricts the occupancy of a room(s) or the use of facilities for a period of time, an appropriate rent restriction should be applied for the period of the disruption.

## **7. FACILITIES AND FITTINGS**

- 7.1. Sink, baths, showers, wash hand basins (with hot and cold water) and water closets must:
  - Met the requirements of the Tolerable Standard;
  - Be in good working condition; and
  - Be sufficient for the number of occupants required to use them within the house.
- 7.2. Where cookers are part of the let, they shall be in good working order and sufficient for the number of occupants required to use them.
- 7.3. The landlord or letting agent should ensure that there is adequate space within the property for the storage of refuse.

## **8. ENERGY EFFICIENCY, INSULATION AND HEATING**

- 8.1. The landlord must provide the tenant with an Energy Performance Certificate (EPC) for the property and indicate the energy performance indicator for the building on all adverts.
- 8.2. The property should provide a basic level of thermal insulation and incorporate where necessary and practical, such as measures as draught insulation of doors and windows (or secondary or double glazing), lagging of immersion heaters and hot water pipes and insulation of roof spaces.
- 8.3. The accommodation should be provided with energy efficient hot water supply.

## **9. HEALTH, SAFETY AND HOME SECURITY**

### Water

- 9.1. There should be no lead pipes within the property feeding the internal drinking supply.

### Gas

- 9.2. The landlord must comply with current Gas Safety (Installation and Use) Regulations (which require Liquid Propane Gas Installation) by:
  - Arranging for annual gas safety checks to be carried out by a Gas Safe registered contractor and a gas safety certificate obtained.

- Ensuring all servicing, repairs and replacements to be carried out by a Gas Safe registered contractor.
- Providing tenants with a copy of the safety certificate
- Retaining records of safety checks for at least two years

- 9.3. The landlord should provide the tenant with clear, written instructions of how to operate the central heating system safely and what action to take with a suspected gas leak or faulty gas appliance.
- 9.4. Where gas, including liquid propane gas, is supplied to the accommodation, the landlord must provide suitably located, carbon monoxide alarm(s).
- 9.5. Before the start of the tenancy, and at regular intervals thereafter, the landlord should test that the carbon monoxide alarm(s) is operating properly.

#### Electricity

- 9.6. The landlord should ensure that all responsible steps are taken to ensure that all electrical appliances supplied as part of the let are safe to use.
- 9.7. The landlord should arrange for a qualified electrician to carry out
- An annual, portable electrical appliance safety test (PAT)
  - A regular 5-year check of electrical wiring circuits and mains board
- 9.8. In each case, an electrical safety report should be obtained from an approved electrical contractor to ensure equipment or circuits conform to current relevant Electrical Regulations. In the case properties with a HMO license in place, the landlord must comply with all safety certification conditions as stipulated by the relevant local authority HMO Licensing Team.

#### Furnishing and Furniture Safety

- 9.9. All furnishing and furniture supplied as part of the let must comply with relevant part of the Furniture and Furnishings (Fire) (Safety) Regulations.

#### Fire Safety

- 9.10. The Landlord shall have ensured that the property has satisfactory equipment for detecting fire and giving warning in the event or suspected fire.
- One smoke alarm installed in the room most frequently used for daytime living purposes (normally the Livingroom/lounge).
  - One smoke alarms in every circulation space on each storey, such as hallways and landings.
  - All smoke and heat alarms to be ceiling mounted and;
  - All smoke and heat alarms to be interlinked.
- 9.11. The landlord should provide the tenant with published guidance on fire safety issues.

#### Home Security

- 9.12. The accommodation should have secure window locks and secure front and rear access doors (where appropriate) that do not prejudice means from escape in the case of a fire.

### **Landlord Accreditation Scheme**

West Lothian Council Landlord Accreditation Scheme provides a series of training course in partnership with Landlord Accreditation Scheme Scotland to ensure that landlords have the ability to comply with the standards. Landlords do not have to attend a training session prior

to becoming accredited. However, once accredited landlords are required to attend at least one Core Standards Training sessions in every year of accreditation.