

Introduction

At BHCC we recognise the enormous role of the private rented sector in providing accommodation throughout our city. The Council believes it is important to work with and support letting agents who consistently maintain high standards within the private rented sector. This document is a guide setting out the Council's procedure for bringing letting agents into the Brighton & Hove Letting Agents Accreditation Scheme, (BHLAAS). If you have any other queries or concerns contact the council on 01273 293086.

Why have an Accreditation Procedure?

To ensure that higher standards are achieved and maintained and that agents are encouraged, supported and where possible, rewarded by the scheme and to encourage tenants to seek out accredited agents when searching for accommodation.

How will Tenants become aware of BHLAAS?

Tenants are informed of BHLAAS through organisations such as the local Universities, Citizen's Advice Bureaux, Tourist Information Offices and the Council's Private Sector Housing Teams who are expected to encourage prospective tenants to seek out accommodation let by accredited agents. The council will also publish publicity materials and undertake marketing of the scheme.

Agents can advertise their membership of the scheme in their offices. They are also able to use the logo on their websites, when advertising their properties or when they enter into written correspondence.

Agents are encouraged to display the BHLAAS Certificate in any property they manage. Businesses, which offer discounts to BHLAAS members, are encouraged to display information relating to the Scheme in their retail outlets.

What are the standards for Accreditation?

The standards for accreditation can be divided into two component parts. They relate to the physical standards of the property and the standards of tenant management as set out below.

Property Standards

- Clean and in good repair at the onset of a tenancy
- Adequate disposal of waste

- **Secure modern locks (In HMO's in each bedroom)**
- **Fixed Economic Heating**
- **Compliant to Fire Safety Regulations**
- **Compliant to Furniture/Furnishings Fire Regulations**
- **Current Gas Safety Certificate**
- **Current Buildings Insurance**
- **Agreement to random inspections**
- **Never to let a property known to have structural defects or any other known dangers.**

Management Standards

- **Fair & equal treatment of Tenants; race, gender etc.**
- **Accurate written Tenancy Agreement**
- **A Deposit Procedure compliant with the NDPS legislation**
- **Accurate Inventory /Schedule of Condition**
- **Photocopied evidence available to Tenants of Gas Safety Certificate**
- **Full repairs contact & procedure including tel. numbers for emergency repairs and**
- **Full explanation of use of Fire Alarm System**
- **Full explanation of use of Security Alarm & procedure**
- **Energy Performance Certificate**

Business Standards

- **Agent holds current Client's Monies Protection Insurance**
- **Professional Indemnity Insurance**
- **An accountant's report confirming that the business complies with the accounting standards of any national lettings accreditation agency.**
- **Must provide open and transparent charging structures to the extent that the tenant can fully anticipate the costs of rental in the forthcoming 12 months rental before signing the AST. These must be designed in such as way that the tenant can understand them**
- **Must provide tenants and landlords with full explanations for any increases in costs**
- **Undertakes customer satisfaction surveys**

- Allows BHCC to survey tenants/landlords on their experience of the agent

What are the Benefits to the BHLAAS Members?

The benefits to BHLAAS members include access to a dedicated officer, who provides general support and advice and acts as a link to other specialised officers who can quickly investigate any issues or problems the Landlord/agent is encountering such as housing benefit or environmental health issues.

Recognition & Promotion

Brighton & Hove City Council is keen to recognise and accredit agents whose management of both property and tenant are considered to be of a higher standard. Accreditation would give agents a market edge with tenants and landlords.

Accredited agents would have the right to display an Accredited Agent Certificate within their property and to use an Accredited Agent Logo when advertising their property.

The process of BHLAAS

Agents can contact the Council's Private Sector Development Officer (PSDO) who will fully explain the implications of the Scheme. If necessary, the PSDO will visit the agent to discuss the scheme.

This booklet contains a checklist. This list itemises all expected standards to be achieved to obtain accreditation. Upon receipt of a fully completed form and fully completed Checklists, the agent and his or her property/s (subject to meeting all the expected criteria) will be deemed to be accredited.

Agencies below standard at present

Agent's which at the time of application do not meet the full standards of BHLAAS, will be considered, provided they do not breach Health & Safety requirements or any other legal requirements. If agents can provide detailed and timed programmes of improvement to reach the standards then they can become accredited. The PSDO ensures that this programme of works is monitored.

How will the BHLAAS standards be monitored?

An agent cannot become accredited without agreement to participate in customer satisfaction surveys. Accreditation is limited to 3 years, and at the renewal stage a further visit may be carried out by the PSDO.

Tenants are entitled to report to the Council any significant fall in the standards of the property or its management.

Role of the Private Sector Development Officer

The PSDO presents BHLAAS to landlords and agents, is a support and source of advice for accredited agents and is a link to other council officers in order to resolve difficulties. This officer is responsible for promoting BHLAAS to a wide and varied audience. The officer is involved in delivering training, where necessary to private landlords. The officer will also be the Chair of any proposed Complaints Panel.

Accreditation Complaints Panel

The complaints panel will be made up of the council's PSDO, (the Chair), and two Accredited Agents. Where it is necessary to reach decisions, a majority vote will need to be reached. The Acquisitions and Accreditation Manager, acting neutrally will cast any deciding vote.

Benefits

Earlier Vacant Possession

We recognise that agents who are members of BHLAAS would be demonstrating good practice in terms of tenancy management. Accredited agents would want to ensure that everything is done to prevent people from becoming homeless and will seek support from Brighton & Hove City Council to help with this. For example, if tenants are getting into arrears, an agent can contact the PSDO so the appropriate Officers can intervene to resolve this, thereby avoiding the need to serve notice.

We do accept that there are times when this intervention may not prevent the need for possession. Tenants will then be given advice on how to find alternative accommodation.

It is always important for the agent to ensure that the Notice has been served correctly. Where there may be a duty on the Council to house the tenant in question permanently, and if the tenants are still in the property when Notice expires, alternative temporary accommodation will be sought. However, as it is still the tenant's legal right to remain in the property until a Bailiff's Warrant is executed, a tenant may still decide to chose this, despite other options presented to them.

Grants

The Council's Private Sector Housing Team provides a selection of grants available to private landlords. The Council's Housing Renewal Assistance Policy provides applications to be made for insulation measures of up to £1,000 and up to £3,000 for energy efficient gas central

heating. Letting Agents cannot be paid grants but can facilitate their landlords receiving these.

Housing Benefit

The Council recognises that delays in Housing Benefit do cause real hardship to agents and landlords. To this end where delays or problems occur, accredited landlords can contact the PSDO, who can make enquiries with Housing Benefit on the agents behalf.

To ensure accurate processing of initial Housing Benefit claims, agents need to ensure that the tenant has fully completed the benefit form and the landlord would be wise to photocopy the completed form for his/her records.

Agents should also seek written permission from their tenants to talk to Housing Benefits on their behalf otherwise HB will not be able to give them any information. All communications with HB are subject to data protection and customer confidentiality rules.

Tenancy Management

Fair & equal treatment of Tenants

An accredited agent must treat all tenants reasonably and fairly. Agents must not discriminate on the grounds of gender, race, sexual orientation, age, religion, marital status or disability. To do so is a criminal offence. Agents should endeavour to provide multi lingual information where practicable.

Agents should make a statement about their commitment to Equalities in the paperwork that they provide their tenants. This is particularly important in Brighton and Hove because of the many diverse and vulnerable communities who live here.

However, Positive Discrimination is encouraged eg. If a property specifically adapted for the disabled agents should seeks a suitable tenant for this. The council would be able to help with this.

Agents should have a formal procedure for dealing with Tenants' complaints and Tenants should be advised about this at the start of their Tenancy. This procedure should state how long it will take a landlord to deal with complaints and offer the tenant arbitration is necessary. The PSDO can offer support in this area.

Accurate Written Tenancy Agreement

A new Tenancy cannot begin until an existing one has ended. Brighton and Hove City Council recommend Tenancy Agreement models such as that offered by ARLA or the NLA. The PSDO can supply accredited landlords with a model Tenancy Agreement.

The agreement should show the full address of the property, the rent, payment dates, the deposit/RIA paid & any service charges with details.

The Tenancy Agreement should show what NDPS organisation holds the deposit and who will receive the interest accrued.

The Tenancy Agreement should confirm the rules and practices of the NDPS. Also how any disputes over the deposit will be resolved eg which ADR will be used.

Responsibility for paying for utilities should be clearly explained to the tenant/s and set out in the tenancy agreement. The method of rent payment eg Direct Debit, should be clearly set out.

The prospective tenant should be given time to consider the Tenancy Agreement and if required, seek advice before signing.

Tenancy Agreement Fee

When any fee is chargeable for the arrangement of the tenancy agreement, this should be included in that property's marketing.

Holding Fees

Can be taken if the accommodation is to be reserved for a period of time for the prospective tenant.

Tenancy Renewals

Tenancy renewal fees must be made clear to the prospective tenant before the AST is signed.

Accurate written Inventory and Schedule of Condition

A comprehensive photographic Schedule of Condition (Inventory) should be given to the tenant at the start of the tenancy. This should avoid disputes when assessing the final condition at the end. The PSDO can provide a model Inventory.

The tenant/s should have a reasonable amount of time to check the accuracy of the Inventory and agree it with the landlord/agent by both parties signing the document on each page. Ideally there should be two identical copies of the inventory, one for the tenant to keep and one for the agent to keep.

Agents should issue tenants with clear written guidelines regarding the standard of cleaning & other arrangements for bringing the tenancy to an end, to avoid misunderstandings as soon as possible.

There should be a formal check-out of the premises with the tenant and landlord or the agent.

A return of Deposit Procedure and Timetable

The agent should have a procedure and timetable for the return of a tenant's deposit.

The Government has outlined penalties which will apply if landlords and agents do not adhere to the rules of the scheme. If you are unsure about

any aspect of the scheme, call the Government's Department of Communities on 020 7944 4400 or your PSDO on 01273 293086

Managing Repairs

Repairs Contact & Procedure

The tenant/s should be provided with the landlord or agent's telephone number for repairs reporting. A further contact name and number should be provided in the event of the main contacts being unavailable.

Access arrangements for repairs or viewings should be made not less than 24 hours notice in advance, unless otherwise agreed or where such notice is impracticable. Tenants' privacy and entitlement to unnecessary intrusion must be respected at all times.

Repairs Timetable

Tenants should be provided with a Repairs Timetable specifying how long it will take the landlord/agent to undertake a repair. The timetable should run from the date of reporting and the repairs undertaken within the timescales outlined below;

Priority 1. Emergency Repairs which represent a danger to health and risk the safety of the tenant/s; or where the building or its contents have become seriously damaged, must be attended to within 24 hours.

Priority 2. Urgent Repairs to defects, which materially affect the comfort or convenience of the residents – must be attended to within an agreed number of days. The agreement timescale must reflect the seriousness of the repair need.

Priority 3. Non Urgent Repairs – not falling into the above categories must be attended to and the tenant updated on the agent's progress with the landlord.

Planned maintenance and services such as gas safety Checks must be undertaken with due regard to the tenant's convenience and 5 working days notice.

Making good

Decorative repairs for which the tenants have no responsibility, will be made good within a reasonable timescale if damaged or disturbed during repairs.

Full explanation of use of Fire Alarm Procedure and System

The agent should take time to explain this procedure and ensure that the tenant has understood what his/her actions should be in the event of a fire.

Full explanation of the use of the Security Alarm and Procedure

The agent should go through the setting and working of any security alarm with his/her tenant. A copy of the instructions to set and disarm

the alarm should be provided for each unit. Responsibility for maintenance of the system and call outs must be clearly laid out.

Security

Although not appropriate in some circumstances, tenants must have adequate levels of security in place such as locks on bedroom doors in student/shared accommodation.

Professional Memberships

Agents are actively encouraged to join a reputable national or local Association such as the Association of Residential Letting Agents (ARLA), Brighton & Hove Estate Agents Association (BHEA) or another reputable professional body. This is not mandatory.

Property Standards

Structurally sound unit (minimum standards) agent can reasonably be aware	<input type="checkbox"/>	as far as the
Clean & in good repair (Inventoried)	<input type="checkbox"/>	
Disposal of Waste (fully explained)	<input type="checkbox"/>	
Free from damp as far as the agent can reasonably be aware	<input type="checkbox"/>	
Secure (adequate working locks)	<input type="checkbox"/>	
Fixed economic heating (no bottled Gas or paraffin heaters)	<input type="checkbox"/>	
Compliant to Fire Safety Regulations as appropriate to the unit	<input type="checkbox"/>	
Furniture in a satisfactory condition & compliant to Fire Regulations	<input type="checkbox"/>	
Comply with Gas Safety Regulations	<input type="checkbox"/>	
Agreement to allow Tenants surveys	<input type="checkbox"/>	

Tenant Management Standards

Equal treatment of tenants (written statement)

Please enclose

Full compliance with National

Deposit Protection (state which scheme)

**Accurate written inventory/schedule
of condition provided to tenant.**

**Photocopies of gas safety certificates
provided to tenants.**

**Repairs procedure and contact details
provided to tenant with timetables. Please enclose.**

**Full explanations of fire/carbon
monoxide alarm procedure.**

**Full explanation of security alarm
Procedure.**

**Compliant with Fire safety Risk
Assessment regulations**

A Current Energy Performance certificate.

Application for Accreditation

Agency Name

Address

and

Post Code

.....

Telephone

Email

Company

Directors;

.....

Tenant's:-

Students or

General?

Do you accept

benefit

Claimants?

Any Sub agent?

Anticipated

Rent **£**

Application for Accreditation

Please detail your reason/s for applying to join the accreditation scheme;

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I agree with the Council advertising my business and passing my details to prospective tenants; Yes.....No.....

I agree with my name being included in the Council's published list of Accredited Agents; Yes.....No.....

I agree to abide by the Code of Standards detailed in the Accreditation pack and will seek to provide the best possible service to my tenants

Signed;

Date:

Signed;

Date:

What happens next?

Send your completed application form to;

**Private Sector Development Officer
Acquisitions Team
Level 2
Bartholomew House
Bartholomew Square
Brighton
BN1 1JA**