



# Winchester Shared Housing Accreditation Scheme



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Winchester City Council Accreditation Scheme

## Introduction

Welcome to Winchester City Council's Accreditation Scheme. The Scheme, when initially launched in 2003, was specifically aimed at those landlords wishing to market and advertise properties for rent to students through Student Housing Services at Winchester University. The current Scheme and booklet is still primarily aimed at this sector of the housing market in Winchester, but has also been broadened to cater for other landlords who predominantly let multiple occupation accommodation on a shared type basis, and may wish to have their property Accredited in order to demonstrate that they are providing safe, high quality and well managed houses for tenants.

Application to join the scheme remains voluntary subject to applicants meeting the 'fit and proper' requirement and is a service provided by the City Council of which the key features cover both legal and non-legal obligations for landlords.

This booklet provides guidance in the Scheme standards that are required in order for a HMO property to become accredited. In due course, it is also the intention of the council to develop a scheme to accredit properties let on a single occupancy basis i.e. to a family, couples or single people etc.

Should you need further information or assistance, please contact the Private Sector Housing Team.

The City Council would like to thank you in advance for your time and interest in the Accreditation Scheme, and hope that this booklet will provide a useful reference.

Andrew Palmer

Head of Strategic Housing  
Winchester City Council



## The Scope of the Accreditation Scheme

A survey undertaken for the Council in 2007 of the private sector housing stock, identified that in excess of 4700 dwellings were rented from private landlords in the Winchester district. It is estimated that Winchester is home to more than 8000 tenants living in the private rented sector, a large number of whom are students and working people living in houses in multiple occupation (HMOs). This is often on a shared basis and it is this type of property and tenure which the Scheme predominantly aims to cover.

### The aim of the Scheme is to:

- Set standards for safety and amenities for private rented shared housing
- Promote awareness of such standards with both landlords and tenants
- Encourage and assist landlords in meeting accreditation standards
- Give recognition to properties and landlords which meet the standards
- Allow tenants to choose accredited accommodation
- Improve communication and working relationships between landlords and Winchester City Council
- Support the Private Sector Housing Team within Student Housing Services at Winchester University in placing students in decent accommodation.

The Scheme helps to ensure that private rented accommodation in Winchester is safe, suitable, and well managed. The standards set for the accreditation scheme are designed to be fair and reasonable and appropriate for the particular tenure of occupation that the scheme primarily addresses i.e. HMOs occupied on a shared basis.

### The property standards take account of:

- Gas safety
- Electrical safety
- Fire safety

- Provision of amenities: kitchen, bathrooms and WC's
- Security
- Furniture and furnishings
- Energy efficiency
- Property condition and decoration (external and internal)
- Management.

The standards described in this document should be the basis of any good letting. Ensuring a property is structurally sound, free of serious hazards and safe to occupy is vital to meeting the accreditation standards. This will include providing furniture that complies with fire safety regulations and ensuring gas and electrical services and appliances are in proper and safe working order.

The Council has signed a Protocol with Hants Fire and Rescue Service and fire safety has been given high priority. This includes the installation of fire doors where required, interlinked mains wired fire detectors, protected escape routes where applicable and fire extinguishers. Additional electrical sockets to bedrooms and lounges may also be required to avoid overloading electrical systems.

High importance has also been given to security, including the construction of entrance doors, provision of suitable locks and window security.

There must be adequate facilities for the preparation, cooking and storage of food and these must be suitable for the number of tenants residing at the property.

Bathroom and WC facilities must also be sufficient and suitably located for the number of occupants in the property.

Effective and properly maintained space heating within each letting and common areas is an essential requirement. Energy efficient heating systems and the provision of at least 200mm of loft insulation **must** be provided to reduce fuel and energy consumption in order to prevent the hazard of 'Excess cold' and the possibility of 'Fuel Poverty'.

Tenants who occupy dwellings with a low energy efficiency rating are more likely to experience reduced levels of thermal comfort and to be more vulnerable to suffering fuel poverty. The most commonly used definition of a fuel poor household is one that:

**“needs to spend more than 10 per cent of its income on all fuel use and to heat its home to an adequate standard of warmth”.**

*UK Fuel Poverty Strategy 2001*

The condition of the property is to be kept in a good state of repair and be free from any Category 1 hazards identified under the Housing Health and Safety Rating System (HHSRS).

The cost of an Accreditation is £120 per property and is for three years.

A property will not be inspected nor an Accreditation Certificate issued until the Council has received the required payment in full.

For further information please contact:

**Private Sector Housing Team  
Winchester City Council  
City Offices  
Colebrook Street  
Winchester  
SO23 9LJ**

Tel: **01962 848 483** or **01962 848 381**

Email: [housing@winchester.gov.uk](mailto:housing@winchester.gov.uk)

## Who gains from the Accreditation Scheme?

### Landlords

In addition to knowing your property meets satisfactory safety standards, there are practical aspects to be considered.

Commercially, providing a good quality accredited property for letting secures your market position and gives you an advantage over other landlords when marketing the property.

Becoming a member of the Accreditation Scheme will provide an access point for obtaining advice and guidance on accommodation standards from council officers who deal with the accreditation of properties.

### Tenants

To live in a safe and well maintained property is important, although it is understood that choosing any property can at times be problematic and stressful.

It can be difficult to establish whilst ‘house hunting’ if a property is safe, suitable for the number of occupants, properly equipped and heated. Additionally, on signing a contract it is not always clear if the landlord/agent may manage the property responsibly.





This is the benefit of the Accreditation Scheme - it provides peace of mind that accredited properties are of a satisfactory standard and that landlords are willing to be accountable for the way in which they run their business.

## Winchester City

The Accreditation Scheme promotes confidence that private sector shared housing in Winchester is of a high standard and those looking to study and work in Winchester, can be confident that the Accredited accommodation they rent is safe and well-managed.

A successful Accreditation scheme aims to eliminate poor housing accommodation with the aim of providing good quality shared lets.

## Accreditation

**For a property to become Accredited it will have been inspected and approved by a Council Officer as satisfying the accreditation criteria as detailed in this booklet, and the person responsible for the property must have met the 'Fit and proper' criteria and agreed to abide by the Accreditation Scheme Management Code.**

The Accreditation Scheme is voluntary, but an administration fee of £120 is charged by the Council for joining the Scheme, and £75 for renewal once the accreditation status of a property expires after three years. These fees are subject to annual review.

Once a property is Accredited the landlord will receive an accreditation certificate in respect of their property which may be displayed in the property or used for marketing purposes. In some instances Accreditation status is awarded on condition that 'Specific Conditions' are undertaken. Any such conditions must be completed within the time scales given. Failure to undertake any 'Specific Conditions' without good reason will result in the accreditation status of the property being cancelled.

Details of accredited properties are recorded and held on a register and updated as necessary by Winchester City Council.

Winchester City Council will endeavour to monitor accredited properties to ensure that they continue to meet the required standards during the accreditation period by undertaking 'spot check' visits. The owner of any property visited may be requested to supply copies of current gas and electrical safety certificates.

Details of properties that have been accredited will be forwarded to Winchester University's Student Housing Services Office.

The Council will endeavour to provide assistance to resolve any problems concerning an accredited property. However, unresolved or serious breaches of the accreditation conditions could ultimately result in disqualification from the scheme and removal of a property from the accreditation register.



## Accreditation Standards

It must be noted that all rented properties, whether accredited or not, should be free from Category 1 hazards under the Housing Health and Safety Rating System (HHSRS), as detailed on page 12. The property should also be in good repair, provided with sufficient amenities, have adequate and effective heating and insulation and sufficient floor space for sleeping purposes and other general domestic activities to prevent statutory overcrowding.

This document should also be read in conjunction with the Council's 'Guidance on Standards for Houses in Multiple Occupation' (April 2010 and subsequent amended versions) which are available on the Council's website.

### 3 Storey Property

All properties of 3 storeys or more and occupied by 5 or more tenants forming two or more households under the Housing Act 2004 are legally required to be licensed. The owner of any such property that is not licensed is strongly advised to contact the Private Sector Housing Team. Failure to licence a HMO, can result in a fine being of up to £20,000. No Accreditation fee is payable for those properties that have been licensed.

### Gas Safety

All gas appliances, their flues and pipe work must be maintained in a safe condition in accordance with the current Gas Safety Regulations. All works or servicing required to gas appliances within properties must be carried out by a Gas Engineer who is on the Gas Safe Register. See [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk) for more details on the Gas Safe Register. The Health and Safety Executive also has a web page dedicated to gas safety issues which can be accessed at:

<http://www.hse.gov.uk/gas/landlords/index.htm>

Alternatively, they can be contacted on  
**0845 345 0055**

An annual 'Landlord's Gas Safety Record' must be provided for each property as required by

the Gas Safety (Installations and Use) Regulations 1998 (or any subsequent amendments) and be prominently displayed within the property. Additionally a copy of this certificate must be provided to the City Council upon request. This Certificate should state that gas appliances and flues are in a safe condition as required under the Regulations. It is essential that all such appliances and flues are maintained in proper working order.

Any room which contains a gas appliance must have adequate ventilation and/or a secondary air supply where required, particularly where there exists double-glazing, draught proof doors and windows, or smoke seals on fire doors.

### Can a room containing a gas appliance still be used as a bedroom?

Since 31 October 1998, any room converted to use as sleeping accommodation should not contain the following types of gas appliances:

1. A gas fire, gas space heater or a gas water heater (including a gas boiler) over 14 kilowatts gross input unless it is room sealed.
2. A gas fire, gas space heater or a gas water heater (including a gas boiler) of 14 kilowatts gross input or less or any instantaneous water heater unless it is room sealed or has an atmosphere-sensing device.

If a room contains one or more of the above appliances and was used as a bedroom prior to 1998 then you should seek the advice of a Gas Safe Registered engineer to confirm that it is still safe for the room to be used for sleeping purposes.

### Carbon Monoxide

A carbon monoxide detector **must** be provided close to any gas boiler which complies with EN 5029 and which has an audible alarm. The detector can be mains or battery operated and should be tested on a regular basis.

## Electrical Safety

Landlords have a legal obligation under the Electricity at Work Regulations 1989 to ensure that portable electrical appliances they have provided are PAT tested and safe to use. A visual inspection of the electrical installation and appliances must be carried out annually by a competent person. Regular checks should be made of all electrical appliances including flexes/power cords.

Any damaged or defective electrical installations and/or appliances identified during such visual inspections must be rectified to leave the electrical systems and appliances in a safe condition.

In addition, a current Electrical Safety Certificate in the form of a 'Periodic Inspection Report for an Electrical Installation' is to be provided. For the purposes of the Scheme, an electrical certificate will be considered valid for a maximum of five years and will be accepted from BRE, BSI, ECA, ELECSA, NAPIT and NICEIC registered electrical contractors.

If the electrical report contains any recommendations coded either '1' or '2', the requirements of those recommendations will need to be implemented and upon completion of the works either a 'Minor Works Certificate' or a replacement 'Periodic Inspection Report' provided to demonstrate that full remedial works have been completed to BS 7671: 2008, 17th Edition or subsequent revisions.

Any electrical works that are required at the property must be carried out by a fully competent electrician in accordance with current wiring regulations, manufacturer's instructions and a Minor Electrical Installation Works Certificate provided to Winchester City Council.

To avoid overloading of circuits, 2 double sockets are to be provided in each bedroom and living room.

## Fire Safety

All HMOs must achieve adequate fire safety standards in accordance with LACORS 'Housing – Fire Safety' guidance published in July 2008 and available at <http://www.lacors.gov.uk/lacors/ContentDetails.aspx?id=19843>.

All apparatus that is necessary to achieve this must be properly and effectively maintained. The following are the minimum standards required in a typical 'normal' risk shared HMO rented to a group of students or young professional adults on a group/joint contract and who share personal washing, WC and kitchen/dining facilities and where a communal living room is usually provided. The occupiers of this type of HMO tend not to live completely independently of each other and frequently operate communally.

### All Properties require the following:

- A 'light duty' fire blanket capable of dealing with small cooking fires etc 1.1m<sup>2</sup> or 4 ft.sq approx. must be provided in accordance with BS 6575 or equivalent in the communal kitchen. The fire blanket should be mounted on the wall approximately 1.5m high and closer to the room exit than the cooking facility.
- A simple 'multi-purpose' fire extinguisher should be provided in the hallway of a two storey property and one on each landing for properties above two storeys.

Although the provision of the above apparatus is required, guidance recommends that unless a fire is very small, the best advice is to evacuate the building to a place of safety and call the fire and rescue service.

## Shared House Properties of up to Three Storeys Require:

**Fire Detection and Alarm System** to Grade D, LD3 conforming to BS 5839: Part 6:2004. This will comprise of:

- Interlinked mains wired smoke alarms with integral battery back-up located in the escape route at all floor levels
- Additional interlinked heat alarm with integral battery back-up located in the kitchen
- Additional interlinked smoke alarm with integral battery back-up located in the lounge
- Additional interlinked smoke alarms with integral battery back-up located in any cellar (habitable or otherwise).

Although not a necessity for a property to be accredited, Hampshire Fire and Rescue Service (HFRS) recommend the installation of single point long life sealed power cell operated smoke detectors in individual bedrooms.

**Protected Route:** in low risk shared houses of up to 2 storeys with a short travel distance to the final exit, a protected route is not always required as long as the following conditions are met:

- The stairs should lead directly to a final exit without passing through a risk room
- The staircase enclosure should be of sound conventional construction throughout the route
- All risk rooms should be fitted with sound well fitted and constructed solid doors (non fire resisting glazed doors, doors of flimsy construction or hollow infill-type doors are not acceptable)
- An appropriate system of automatic fire detection and warning is in place.

In larger properties of 3 storeys and above a 30 minute protected escape route is required including FD30 fire doors with automatic self closers fitted to all rooms.



*Fire Damage due to misuse of fire doors*

**Fire Doors:** where existing doors are **not** of a suitable standard a fire door **must** be provided. This is of particular importance to the kitchen where a fire door should also be fitted with a self closing device, preferably of the overhead type.

All fire doors must be installed and maintained in accordance with BS 8214: 1990 and be of a FD30 standard and fitted with intumescent fire seals. Smoke brushes are not required to be fitted to fire doors in a shared HMO of up to three or four storeys.

**Locks:** All locks on bedroom and final exit doors should be capable of being unlocked on the inside without the use of a key. Locks should be the cylinder type and fitted with a thumb turn or 'snib' and not capable of being deadlocked.

**Emergency Lighting:** required only if the means of escape is complicated or there is a lack of borrowed or artificial light. Where considered necessary, it should be designed and installed to comply with BS 5266.

**Fire Safety Signs:** signage is only required if the escape route is complex. Where signage is required, it should be in accordance with BS 5499 and the Health and Safety (Safety Signs and Signals) Regulations 1996.

**Landlords are advised to contact the Private Sector Housing Team to discuss their proposals *before* installing any fire detection and means of escape amenities.**

## Fire Risk Assessment

It is a requirement of the Regulatory Reform (Fire Safety) Order 2005 that a 'responsible person' (normally the owner or landlord etc) undertakes a fire risk assessment of the property. The Department for Communities and Local Government has produced a guide in respect of fire risk assessment which can be obtained at: <http://www.communities.gov.uk/documents/fire/pdf/151102.pdf>

Further information in respect of fire risk assessment can be found on the Hampshire Fire and Rescue Service website at: <http://www.hantsfire.gov.uk/forbusiness/firesafetyregs/fsriskassessment.htm>

## Security

**Front and Rear Exit Doors:** The doors must be robust and of good quality and must be fitted with a lock or catch capable of being unlocked by the occupiers from the inside without the use of a key. Where security locks are fitted they should be of a type with a suitable internal thumb-turn to facilitate this. Alternatively, a secure 'YALE' type lock may be used.

The front door must be fitted with a door viewer and a safety chain.

**Windows:** Window locks are required to be fitted to all ground floor and vulnerable first floor windows (e.g. above flat roofs). All keys are to be easily accessible for use by tenants.

## Furniture and Furnishings

Any furniture supplied by the landlord must conform to the Furniture and Furnishings (Fire) (Safety) Regulations 1988, and any furniture introduced into the property must conform to the standards set by this legislation. A label will be attached to furniture that is compliant with the legislation.

In student accommodation it is expected that landlords will provide each bedroom with a desk, chair and bed (with mattress) and sufficient personal storage space. However, it is acknowledged that this will vary from tenancy to tenancy as some students prefer to provide their own furniture.

## Amenity Standards

All accredited properties must be provided with suitable and sufficient amenities for the storage, preparation and cooking of food and for bathing and sanitary requirements. The level of provision will depend on the number of occupants accommodated in the property.

Please contact the Private Sector Housing Team regarding standards for properties that are required to be licensed under Part 2 or 3 of the Housing Act 2004.

## Cooking and Food Preparation Provision

Each shared property must have a minimum of 2.0 metres of clear work surface within the kitchen per 5 tenants. An additional 400mm of work surface per tenant will be required where the number of occupants exceeds five.

Adequate provision must be made for the storage of dry foodstuffs. One wall unit of 600mm (0.16m<sup>3</sup>) must be provided for each occupant in the house. A minimum of one under worktop refrigerator (approx 5 cubic ft capacity), to be provided for every 5 persons, for the storage of perishable and frozen foods. For 6 persons or more an additional refrigerator is required.

Kitchens must be provided with an extractor fan with a minimum capacity of 30 litres/second fitted either over the hob or in the wall.

Depending on the size of the property, the following provisions must be available for the cooking of food:

### 1-5 tenants

Cooking – 1 gas or electric cooker with a minimum of 4 burners/hob with oven and a grill.

### 6-10 tenants

Cooking – 2 gas or electric cookers, or 1 cooker (gas or electric) plus 1 combination type microwave oven.

## Bathroom Provision

### 1-5 tenants

A communal bathroom must be provided with either a bath or shower, wash hand basin and a water closet. If a water closet is provided in a separate compartment, a wash hand basin must also be provided with a hot and cold water supply.

### 6-10 tenants

An additional bathroom will be required as detailed above.

All bathrooms **must** be provided with an extractor fan with a minimum capacity of 15 litres/second.

## Room Space Provision

Bedrooms must meet the minimum statutory space requirements (Housing Act 1985 refers) and not cause a 'Crowding and space' hazard under the HHSRS.

The minimum floor area for a bedroom occupied by a single person is 6.5 sq metres. However, if there is no available communal lounge or appropriately sized kitchen/diner, then the minimum floor area for a bedroom occupied by a **single** person must be a minimum of 10 sq metres and 14 sq metres if occupied by a couple.

Options to achieve acceptable floor space provision could include; opening up/linking smaller sized rooms, remodelling larger size rooms and effective partitioning.



## Kitchen and Kitchen/Diner

The recommended minimum size for a kitchen in a shared HMO for up to 5 persons is 7 sq metres and for up to 6 to 10 persons is 10 sq metres. The recommended minimum size for a shared kitchen/dining room for up to 5 persons is 11.5 sq metres and for up to 6 to 10 persons is 19.5 sq metres.

## Lounge Area

The recommended minimum size for a communal lounge for up to 5 persons is 12 sq metres and for 6 to 10 persons is 16.5 sq metres.

## Energy Efficiency

Accredited properties must have an efficient heating system to ensure that ample heat can be supplied and maintained to all habitable rooms and common parts. This should ideally be a gas central heating system with a condensing boiler, supplying hot water to radiators fitted with thermostatic valves in each habitable room and common parts.

It is widely accepted that carbon emissions contribute to the production of greenhouse gases which are believed to cause Climate Change. The Household Energy Management

Strategy published on 2010 set a target of a 29% reduction in carbon emissions from the household sector by 2020, and that by 2015, all households have both loft and cavity wall insulation installed where it is practical. The Council therefore, supports and encourages landlords to improve where required, the energy efficiency of their properties. We strongly encourage improvements to reduce carbon emissions by the installation of both cavity wall/loft insulation, tank and pipe lagging, and the provision of effective heating controls. The current recommended depth of typical mineral wool loft insulation is 270mm. However, there a number of different types of insulation board available such as 'Celotex' and 'Kingspan' which will achieve similar thermal values and have the advantage of being less thick.

For accreditation purposes, where properties are provided with mineral wool loft insulation, it **must** be to a depth of no less than 200mm.

Where loft insulation falls below this standard, it will require to be increased before an Accreditation certificate is issued. In such instances, the recommendation would be for the loft insulation to be topped up to the full 270mm (or equivalent where insulation board is used).

It is recommended that the owners of property with solid walls who may be considering having the walls internally or externally insulated, ensure their contractor is registered with the National Insulation Association (NIA) available at: [www.nationalinsulationassociation.org.uk](http://www.nationalinsulationassociation.org.uk)

### **Landlord's Energy Saving Allowance (LESA)**

The Landlord's Energy Savings Allowance (LESA) is a tax allowance which lets landlords claim on their income or corporation tax against the cost of buying and installing certain energy saving items including:

- draught proofing
- loft insulation
- floor insulation

- cavity wall insulation
- solid wall insulation
- insulation for hot water systems.

The current LESA allowance is up to £1500 per property.

For further information visit [www.hmrc.gov.uk](http://www.hmrc.gov.uk) and search for "LESA" for more details.

### **Energy Performance Certificates (EPC)**

Since the 1st October 2008 SI No.991 "The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007", has made it a legal requirement that an Energy Performance Certificate (EPC) must be provided whenever a building is let to a new tenant. An EPC details a variety of information including the Energy Efficiency Rating of a property which is a measure of the overall energy efficiency of a home. It is measured by a range of grades from 'A' to 'G', with 'A' being the most efficient and 'G' the least. Buildings with a higher rating will be more energy efficient and theoretically should have lower fuel bills and a reduced carbon footprint through lower carbon dioxide emissions.

An EPC should be shown to all tenants at the viewing stage and will be required to be submitted with an accreditation application where a property is let to tenants on a joint contract. The Government, however is currently investigating extending the requirement of EPC's to all tenures of HMO's.

Confirmation of the depth of any existing loft insulation will be obtained from information provided in the EPC. Should it not be specified or an owner has increased the depth of loft insulation after having received their EPC, they will be trusted to declare that it is at least 200mm in depth.

For further advice regarding matters relating to energy efficiency, please contact the Energy Saving Trust advice line on 0800 512 012 for free energy saving advice, or visit the web site: <http://www.direct.gov.uk/actonco2>



## Internal Decoration

All rooms in the property should be maintained in good and clean decorative repair. Small holes and/or cracks should be filled in to prevent the spread of smoke in the event of a fire. Cracked ceilings which are unkeyed will require renewal.

The decorative condition of the walls and ceilings in the kitchen and the bathrooms should be capable of being easily cleansed. The floor coverings should be capable of being easily cleansed and be maintained in a clean and safe condition.

## Property Condition

Accredited properties must be maintained in a safe condition, kept free of hazards and maintained in a good state of repair. The Housing Act 2004 introduced the HHSRS whereby dwellings are risk assessed to identify the presence of any safety hazards or unsafe conditions. Before a property can be accredited, it must either be free of any Category 1 hazards, or be subject to agreed remedial action to reduce or eliminate hazards to an acceptable and safe level.

## Housing Health and Safety Rating System (HHSRS)

The HHSRS has been in force since 6th April 2006 and requires the council to inspect properties using a risk assessment approach. The HHSRS does not set out minimum standards, but is concerned with avoiding or, at the very least, minimising potential hazards. This means that landlords should also review conditions post accreditation to try to see where and how their properties can be improved and made safer.

The HHSRS sets out 29 categories of hazard against which dwellings are surveyed and assessed.

In summary, these are:

1. Damp and mould growth
2. Excess cold
3. Excess heat
4. Asbestos (and MMF)
5. Biocides
6. Carbon monoxide and fuel combustion products
7. Lead
8. Radiation
9. Un-combusted fuel gas
10. Volatile organic compounds
11. Crowding and space
12. Entry by intruders
13. Lighting
14. Noise Protection
15. Domestic hygiene, pests and refuse
16. Food safety
17. Personal hygiene, sanitation and drainage
18. Water supply for domestic purpose
19. Falls associated with baths
20. Falling on level surfaces
21. Falling on stairs etc.
22. Falling between levels
23. Electrical hazards
24. Fire
25. Flames, hot surfaces
26. Collision and entrapment

27. Explosions
28. Position and operability of amenities
29. Structural collapse and failing elements.

When an officer inspects a dwelling they will look for any risk of harm to an actual or potential occupier of a dwelling which might result from any deficiency that can give rise to a hazard. If the officer finds a serious hazard (i.e. one in the higher scoring bands A – C, called a Category 1 hazard in the Housing Act 2004) the Council will be under a duty to take action to ensure the deficiency causing the hazard is reduced or eliminated.

Landlords/agents will be informed of identified Category 1 hazards (if any) and the action/s necessary to eliminate or reduce them to a non hazardous situation as considered appropriate.

A guide for landlords and property related professionals regarding HHSRS has been produced by the Department for Communities and Local Government (CLG) and is available at:

<http://www.communities.gov.uk/documents/housing/pdf/150940.pdf>

## Planning Permission

From 6th April 2010 Statutory Instrument 653/2010 The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 came into force and has created a new planning class for HMOs (C4). The new class uses the same definition for an HMO as found in Section 254 of the Housing Act 2004 (except for converted blocks of flats as defined in Section 257).

On 1st October 2010 an amendment to the Act became effective - Statutory Instrument 2010 No. 2134 'The Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010 - and permits the conversion of a normal dwelling house (use class C3) into an HMO with up to six occupants (use class C4) without the requirement for planning permission.

This legislation is not retrospective and any property that was operating as an HMO before 6th April 2010 will be exempt.

For more detailed advice please contact the Planning Administration Team on **01962 848 177** or email [planning@winchester.gov.uk](mailto:planning@winchester.gov.uk).

## Landlord Management

Good quality property and tenant management is vital to the success of the Accreditation scheme. We encourage and endorse the practice of reasonable and effective management standards in accordance with the Accreditation Scheme Management Code and Statutory Instrument 2006 No.372 - The Management of Houses in Multiple Occupation (England) Regulations 2006.

The following is a summary of the management requirements:

- Written details of a contact name and number that can be used in case of emergency should be provided for the tenants and placed in a prominent position within the property at the beginning of the tenancy agreement
- The standard provision of waste bins provided by the Council per house is a 240-litre black bin for general domestic waste and a 240-litre green bin for recyclable waste. A property occupied by more than 5 occupants may require the provision of additional bins. If this need arises it should be arranged by the owner.
- The landlord shall ensure that the fire alarm system is maintained and tested on a regular basis.
- Prior to a new tenancy beginning, the property must be clean, tidy and in a good, weather tight condition.
- 24 hour notice must be given to occupying tenants prior to the landlord entering into the property.
- The landlord must not unreasonably or without good cause, interrupt the supply of gas or electricity to any tenant.
- The landlord must ensure parts of the property in common use including staircases, are kept reasonably free from obstruction.



- The landlord must ensure that installations in common use, or which serve parts of the property in common use are maintained in good working order.
- The landlord must ensure that the internal and external structure including other areas which belongs to the property are maintained in good repair and order and are free from Category 1 hazards.

## 'Fit and Proper' Criteria for Accreditation

Any person responsible for the management of a property that is to be Accredited by the Council must sign a declaration that they are 'Fit and Proper' and must not have been convicted of any of the following:

- Having been convicted of illegal eviction or harassment within the last 10 years.
- Having been convicted for violence or intimidating behaviour towards any persons within the last 10 years.
- Having been convicted for mortgage fraud, housing benefit fraud or breach of local authority grant conditions within the last 10 years.
- Having been associated with any significant or substantial complaints from tenants or other sources regarding repeated or serious breaches of the Accreditation Management code.
- Having been responsible for failing to comply with any requirements of a Statutory notice or House in Multiple Occupation requirement served by the Council which has led to prosecution or works being carried out in default within the last 10 years.
- Any other conviction relating to conduct or practices which are considered by Winchester City Council to indicate unsuitability with respect to owning a property accredited under the scheme.

## Accreditation Scheme Management Code

This aims to jointly assist both owners and tenants by promoting good practices and raising their awareness of their obligations and responsibilities. It is a combination of both legal requirements and voluntary good practice.

These codes should be read by landlords and tenants to make both parties aware of their responsibilities towards each other and avoid future complications or possible misunderstanding as to the responsibilities of both landlord and tenant.

### General Advice

- 1.1 Equal opportunities – Landlords must ensure that, in the course of renting their property, no person or group of people will be treated less favourably than any other due to their race, colour, ethnic or national origin, religion, gender, disability, sexual orientation or health status.
- 1.2 Insurance – For each property, landlords will be expected to possess adequate building insurance which covers the accommodation with respect to accidental damage and injury to tenants or third parties caused by circumstances for which the landlord may be held liable. Proof of such insurance may be required from you by the Council.
- 1.3 Documentation – The landlord should keep appropriate records including all necessary certificates for gas, electric, fire safety and energy performance etc relating to the property.
- 1.4 Details of ownership – Landlords may be requested to provide information regarding:
  - The identity of any other parties with an interest in the property
  - Addresses at which they can be contacted
  - Information regarding other properties in their ownership.

- 1.5 The name and current address of the landlord must be clearly stated on the letting agreement.

## Letting Accommodation

- 1.0 All property details are to be reported accurately and without misrepresentation to prospective tenants.
- 1.1 All prospective tenants must be granted an opportunity to view the property, with the consent of the existing tenants. Furthermore they should be allowed to discuss the property with current tenants alone if requested.
- 1.2 Interested parties must be provided with a copy of any contractual terms under which the property is offered.

## Letting Agreements

- 1.0 Letting agreements must be issued to tenants when the letting is formally agreed and before the tenancy begins. The agreements should be legible and in clear English (where possible). Copies should be left in the tenants' possession once both parties have signed them. The terms of agreement should not be altered by either party unless by mutual consent.
- 1.1 The letting agreement should properly specify the extent of the accommodation covered by the letting agreement (e.g. front ground floor bedroom and use of shared kitchen and bathroom facilities), and whether heating or hot water costs are included in the rental payments.
- 1.2 Where any repairs or improvements are promised at the time of viewing or letting, they should be recorded and signed by both parties and either attached or incorporated into the letting agreement. Completion of these works by an agreed date will form a condition of the letting contract and therefore failure to complete such works by the agreed date may form a breach of the contract.
- 1.3 The letting agreement should not contain unreasonable contractual terms

nor terms which contradict the legal or common law rights of tenants.

- 1.4 The letting agreement should clearly state the amount of rent due to be paid including the dates of payment and methods of payment. It should also state whether tenants must pay utility bills in addition to their rent or whether the landlord retains responsibility for this.
- 1.5 Use of post-dated cheques is not a recommended arrangement for rental payments. Should this method be adopted however, flexibility should be incorporated for students notifying the landlord of financial difficulties and dates by which their grants/loans will be received.
- 1.6 No monies for deposits or rent may be demanded prior to signing the letting agreement. Since 6th April 2007, the Tenancy Deposit Scheme has required that, where charged, all deposits (for rent up to £100,000 per annum) taken by landlords and letting agents for Assured Shorthold Tenancies must be protected by a tenancy deposit protection scheme.
- 1.7. Within 14 days of a new tenancy agreement, where charged, landlords and agents must ensure that any deposit is protected under a nationally recognised Tenancy Deposit Scheme and provide tenants with details of the particular scheme their deposit has been placed in.
- 1.8 At the beginning of the tenancy, tenants must be supplied with an inventory detailing damage or defects to the property. Both parties should sign this, and a copy should be kept by both parties and referred to when carrying out the final inspection of the property at the end of the tenancy.
- 1.9 If the landlord wishes to carry out works to the property during the summer period, this should be stated clearly in the letting agreement and tenants notified in advance.

## During Tenancy

- 1.0 Landlords must ensure that by the agreed occupation date, necessary works, repairs, safety checks, improvements and maintenance works have been completed.
- 1.1 The property must be in a clean and tidy condition by the agreed date for occupation. Additionally all furniture, services and appliances must be in full working order and in a serviceable condition.
- 1.2 Information should be supplied to tenants at the beginning of the tenancy with respect to:
  - Fire safety and what to do in the event of a fire
  - Instructions for operating the heating system and any controls
  - Emergency numbers for any immediate dangers from gas, electricity or water supplies
  - Advice on how to use a burglar alarm (if installed)
  - Instructions for turning on and off the water supply and central heating should this be required
  - Copies of annual gas safety checks and recent electrical inspections
- 1.3 Should access be required by the landlord for inspection or maintenance/repair works, tenants must be informed in writing 24 hours in advance. In the event of an emergency it is expected that tenants will co-operate with the landlord.
- 1.4 The landlord shall respect the rights of tenants to privacy and freedom from unnecessary intrusion during their tenancy.
- 1.5 The landlord shall comply with all the relevant landlord and tenant legislation and shall not commit any infringement of tenants' rights under the Protection from Eviction Act 1977.
- 1.6 Landlords shall ensure that they conduct their business and deal with

tenants in a courteous and professional manner at all times.

- 1.7 All fittings, furnishings and appliances supplied to tenants as part of the property must be maintained in a good state of repair during the letting period by the landlord.
- 1.8 Landlords should respond promptly to reports of items that require attention within a reasonable time period.
- 1.9 Landlords should inform tenants of expected completion dates for repairs when set target dates cannot be met. Arrangements should be made in such instances to maintain the health and safety of tenants until works are completed.
- 1.10 Tradesmen used by a landlord to carry out works must behave in a professional and courteous manner. They should indicate when they intend to arrive at the property and should take care to protect tenant's belongings. Any debris remaining at the property following completion of works should be removed. All works must be carried out to a good standard and by a competent person.

## At the end of a Tenancy

- 1.0 Tenants must be provided with clear guidelines as to the standard of cleanliness and condition of the property expected when they vacate the property at the end of their tenancy.
- 1.1 It is advisable that a joint inspection be carried out by the landlord and tenants with reference to the original inventory in order to agree any damage or defects to the property and to assess cleanliness.
- 1.2 Arrangements for securing the property and the return of keys should be notified to the tenants in writing as part of their letting agreement.
- 1.3 The landlord shall not resort to unlawful means for regaining possession of the property should tenants fail to leave; proper legal advice should be sought regarding the legal procedure to follow.

1.4 Deposits must be administered efficiently and reasonably. They should not be unreasonably held. Monies should normally be returned within 10 days from the end of the tenancy. If monies cannot be returned within this period tenants should be fully informed of the appeal process for the particular Tenancy Deposit Scheme into which their money was placed subject to no outstanding debts or utility charges.

enforcement action.

- 1.4 Failure to respond to complaints or to comply with recommendations in a reasonable and satisfactory manner may constitute grounds for disqualifying a landlord from the accreditation scheme.
- 1.5 Any unlawful action by a landlord may also constitute grounds for disqualification from the scheme.

## Dealing with Disputes and Complaints

1.0 Where disputes arise between landlords and tenants, the aim should be to reach a swift amicable decision. Landlords are therefore required to:

- Respond promptly and reasonably to tenants regarding complaints or difficulties
- Provide written response to correspondence from tenants within 14 days
- Ensure settlements and agreements made between landlord and tenants are honoured within 14 days of a settlement being agreed
- Maintain a professional and courteous relationship with tenants during any dispute.

1.1 Where a landlord receives a written complaint regarding an alleged breach of this management code, they must either rectify the breach or make written response to their tenant or Winchester City Council. This must be done within 21 days from receiving the complaint.

1.2 Where an alleged breach of the management code is reported to Winchester City Council and they are investigating such a breach, landlords will co-operate with the investigation.

1.3 Following investigation, where reasonable recommendations are provided to rectify an apparent breach, the landlord will comply with such recommendations without the need for

# Accreditation Tenancy Code

## General

- 1.1 The tenant has a responsibility to act with due care and refrain from knowingly causing breaches of the tenancy agreement.
- 1.2 The tenant must not cause nuisance to other tenants or neighbours.
- 1.3 The tenant should allow the manager, for any purpose connected with the carrying out of their management duties, to enter at all reasonable times any living accommodation subject to a minimum of 24 hours advance warning.
- 1.4 The tenant shall provide the manager, at their request, with any such information as they may reasonably require for the purpose of carrying out their management duties.
- 1.5 The tenant is responsible for the storage and disposal of litter and refuse.
- 1.6 The tenant must comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.
- 1.7 Any tenant in breach of the tenancy code may cause themselves to be in breach of their tenancy agreement and may make themselves subject to an eviction notice.

## Garden Maintenance and Refuse Disposal

The Management of Houses in Multiple Occupation (England) Regulations 2006 place an obligation on the 'manager' of an HMO to ensure that:

- a. outbuildings, yards and forecourts are maintained in repair, a clean condition and good order;
- b. any garden belonging to the HMO is kept in a safe and tidy condition; and
- c. boundary walls, fences and railings, in so far as they belong to the HMO are kept in good and safe repair so as not to constitute a danger to occupiers.

It is expected that the owner or manager of the property in the first instance will be responsible for maintaining the gardens. Responsibility for garden maintenance should only be delegated to tenants in a joint contract. In such instances, tenants should clearly be made aware of this and **must** be provided with suitable and fully operative gardening equipment to enable them to cut the grass and trim shrubs and bushes etc. Where tenants are responsible for this, landlords should impress on their tenants that they are obliged to ensure the grass is cut on a regular basis, especially during the spring and summer months. Landlords must also ensure any electrical garden equipment supplied to tenants is tested (PAT) on a yearly basis.

It is also the landlord's responsibility to ensure the waste bins provided by the Council are of sufficient capacity to enable the tenants to adequately dispose of their rubbish. If additional bins are required, please contact the council on **01962 840 222**.

## Noise nuisance

In order to prevent causing neighbour disputes or causing nuisance to others, the following information should be considered by tenants; Noise has been defined as "unwanted sound" - It is not only the type of sound that matters, but when it occurs, how often and how loud.

Frequent disturbance by noise is not only annoying but can cause stress and illness.

To prevent annoying neighbours and other tenants avoid:

- Playing loud music for lengthy periods of time and at unreasonable times
- Carrying out DIY at unreasonable times
- Arguing, shouting or intentionally causing raised voices
- Carrying out household chores such as hoovering and using a washing machine late at night
- Sounding car horns, slamming doors and revving engines late at night.

Under the provisions of the Environmental

Protection Act 1990, the Council has powers to deal with such noise and if any noise witnessed by an Environmental Health Officer is deemed to be causing a Statutory noise nuisance, enforcement action can be taken to stop it or prevent it from recurring. This can include the service of an Abatement Notice and in extreme cases the confiscation of noise making equipment.

We hope that this information will be useful in helping tenants achieve a happy and trouble free tenancy.

Should you have any queries or require additional information regarding nuisance issues, please contact the Environmental Protection Team on **01962 848 350**.

Email: [environment@winchester.gov.uk](mailto:environment@winchester.gov.uk)

# Accreditation Checklist

The accommodation must meet the following standards in order to be accredited:

## General

1. Good standard of repair and decoration inside and out
2. Free from any HHSRS category 1 hazards
3. Gas Safe gas safety certificate
4. Electrical Periodic Inspection Report
5. The furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended)
6. Energy Performance Certificate (EPC)
7. Building Insurance Certificate
8. A Completed 'Fit and Proper' person declaration
9. A minimum provision of 200mm (8 inches) of insulation

## Fire Safety

10. Inter-linked hard wired smoke alarms and heat detectors
11. Fire doors (where required) to risk rooms or areas
12. Protected escape route where required (e.g. staircase)
13. Satisfactory condition of walls, ceilings and doors to contain the spread of fire

## Amenities and room sizes

14. Adequate kitchen facilities for number of occupants and extractor fan
15. Adequate bathroom and WC facilities for number of occupants and extractor fan
16. Sufficient number of electrical sockets in each bedroom
17. Bedrooms, kitchen and living rooms meet recommended space requirements
18. Effective heating system to bedrooms/communal rooms
19. Adequate provision of hot and cold water
20. Standards met with respect to security (windows and doors)
21. Hard wired or battery operated carbon dioxide detector

## Fit and proper:

22. Landlord must meet the 'qualifying criteria' i.e. no relevant convictions etc.
23. Landlord agrees to comply with the management code

## The Accreditation process is highlighted by the flow diagram







