



Foreword

People become landlords for many different reasons – some, for example, may operate as a fulltime business whilst others may have inherited a property, others may decide to rent a property which they are unable to sell. Whatever your reason for becoming a landlord, it is important that you are aware of the specific housing legislation which will affect you, and that both you **and** your tenant understand your rights and responsibilities.

The Swindon Landlords Forum was set up in November 2000 with the intention of working with landlords to tackle problems associated with the private rented housing sector in Swindon. Open meetings are held regularly and all landlords are welcome to attend. It has proved a great success, with property and management standards improving as a direct result.

From its inception, the Forum has aimed to provide clear, unbiased advice, help and support to all participants, and it became apparent from the landlords themselves that there was a need for a reliable, concise and up-to-date source of information on the most important aspects of letting property. This handbook has been written with that need in mind, and is an important illustration of Swindon Borough Council's commitment to developing an effective working partnership between the Council and landlords.



Gavin Jones
Chief Executive
Swindon Borough Council



INVESTOR IN PEOPLE

Contents

FOREWORD	2
CONTENTS	3
AIMS OF GUIDE	4
THE ACCREDITED LANDLORD SCHEME	5
RIGHTS AND RESPONSIBILITIES	5
TYPES OF TENENCY	10
FINDING TENANTS	11
RENT	11
GOOD MANAGEMENT PRACTICE	12
HARASSMENT AND ILLEGAL EVICTION	14
FITNESS STANDARDS FOR RENTED PROPERTY	16
SAFETY ISSUES	22
Fire Safety	22
Electrical Safety	22
Gas Safety	24
KITCHEN FACILITIES	26
FURNITURE AND FURNISHINGS	27
GENERAL PROPERTY MAINTENANCE	28
MAKING YOUR PROPERTY SECURE	29
WATER SUPPLY	30
DRAINAGE OF FOUL, WASTE AND SURFACE WATER	30

The Good Practice Guide for Private Landlords

The private rented housing sector in Swindon plays a vital role in meeting local housing needs. The Council recognises the importance of private landlords in providing increased choice and affordable accommodation to many of its residents and this guide is designed to give basic, practical advice and information in a clear and concise way.

Who is the guide for?

This guide has been drawn up for the benefit both of existing landlords and those who are considering letting a property. It aims to cover some of the most important issues you need to consider and tells you who to talk to if you need more advice.

The aims of this guide are to:

- ❖ Provide the basis for the Council's accredited Landlord Scheme.
- ❖ Educate landlords about their rights and their responsibilities to tenants.
- ❖ Encourage a professional and business-like approach to renting.
- ❖ Improve the safety and comfort of rented property throughout the district.
- ❖ Keep landlords informed about changes in housing legislation.
- ❖ Increase the availability of good quality, affordable rented property in the district.

You should bear in mind that the guide is **not** intended to be a definitive interpretation of all housing legislation – for independent legal advice you should always consult your solicitor.

It is always a good idea to get appropriate professional advice if you have any problems and there is a list of addresses and telephone numbers of organisations which may be able to help with more detailed information on specific queries you may have.

The Council is also willing to offer advice and assistance wherever possible.

If this guide does not cover a subject about which you would like more information, please tell us – we welcome your suggestions.

Swindon Borough Council Accredited Landlord Scheme

Standards

The accredited landlord scheme aims to provide recognition to landlords who achieve the following standards:

Tenancy Agreement

Landlords must provide a written tenancy agreement that clearly sets out the terms of the tenancy. Both parties must hold a signed copy of this agreement. The amount of rent to be paid must be specified including whether this includes payment for such items as Council Tax, water rates, etc.

Ownership Details

Landlords must give tenants their full name and address and that of any managing agents. At least one contact must be within the UK.

Complaints

Tenants must be given the name and telephone number of the person they may contact at all reasonable times to report defects with the property.

Access

Tenants must be given at least 24 hours' notice prior to the landlord inspecting the premises except where this is impracticable and that the tenants' privacy and entitlement to freedom from unnecessary intrusion is respected.

Deposits

Landlords must use a recognised tenancy deposit scheme and must make tenants aware of which scheme they are using. Reasons must be given in writing if any part of the deposit is withheld. Tenants must be provided with full details of the tenancy deposit scheme used and their rights of dispute under the scheme.

Regaining Possession

Landlords must not resort to any unlawful means to regain possession of their property. In most cases a court order will be required to regain possession of the property where tenants refuse to leave.

Repair And Maintenance

A good standard of repair and maintenance is required. The guidance on this standard is contained within Fact Sheets 7 and 8, Guidance For Landlords Inspecting Their Property.

All premises must be free from significant hazards such as:

- Damp & mould growth
- Excess cold
- Excess heat
- Fire
- Crowding & space

- Falls on stairs & steps
- Electrical Hazards
- Excess carbon monoxide
- Structural defects

In addition houses in multiple occupation must:

- Comply with the Council's standards for the provision of amenities and space.
- Have adequate and properly maintained means of escape from fire and other fire precautions as directed by the Council.

Fire Safety

Each premises must have a fire blanket and at minimum a battery powered smoke detector.

Cleanliness And Decoration

Both the interior and exterior of the property including any gardens/yards etc must be in a clean, tidy and well-decorated condition at the beginning of the tenancy.

Any communal areas that are the landlord's responsibility must similarly be properly maintained.

Certificates

Each property must have a satisfactory annual gas safety certificate covering all gas appliances in the property. A CORGI registered contractor must provide this. A copy of this certificate must be made available to each tenant.

Houses in multiple occupation must have an annual test certificate indicating that the fire alarm and emergency lighting system have been examined by a suitably qualified person.

Personal Landlord Criteria

To qualify as an accredited landlord, none of the following must apply:

- Conviction for harassment or illegal eviction within the last 10 years.
- Failure to comply with a Statutory Notice relating to the standard for management of Houses In Multiple Occupation or a Repair Notice which resulted in a successful prosecution or works being carried out in default in the last 10 years.
- Conviction for Housing Benefit/Council Tax fraud within the last 10 years.
- Conviction for non-compliance with a Planning Enforcement Notice relating to a residential premises within the last 10 years.

Accredited Landlord Scheme – How To Join

The Accredited Landlord Scheme is voluntary and membership is free to landlords. However a landlord may incur costs in undertaking works so that a property will meet the required standard. The Council has negotiated discounts with local firms to help reduce this cost.

A list of those landlords who are members of the scheme is kept at the Council Offices and is available on the Council website. Landlords have discretion to withhold their details from the website.

Landlords wishing to join the scheme must complete the premises and personal certification sheets at the back of this guide. Alternatively please telephone the Council's Residential Services Team on 01793 466107.

Addresses of all premises owned or managed within the Council's area must be disclosed at the time of submitting your application.

We will contact you by phone to establish what further information we may require from you and confirm appointments to carry out property inspections. This informal chat will also allow you to ask any questions or seek advice.

The Council will need to inspect all properties which are Houses in Multiple Occupation (HMOs). However where they are in good order and have been recently inspected and are included in the ongoing inspection regime no further inspection will be required.

A sample of single family tenanted premises will also require inspection.

If work is required to some premises we will issue you with a schedule of works and a fire plan where appropriate. We will carry out a further inspection at your request.

When we are satisfied that you and your premises comply with all requirements of the Scheme we will issue your Accredited Landlord Certificate and with your agreement place your details on the list displayed on the Council website.

Letting a Property – Rights and Responsibilities

Every landlord has the right:

- ❖ To charge a market rent (on lettings since January 1989).
- ❖ To fix terms of the agreement before the tenancy begins.
- ❖ To receive rent as and when it falls due.
- ❖ To be advised of any necessary repairs.
- ❖ To be given proper notice by a tenant if he or she wishes to leave.
- ❖ To inspect the property by appointment – unless the matter is urgent.

Every tenant has the right

- ❖ To know the terms of the tenancy.
- ❖ To know the name and address of the landlord or landlady.
- ❖ To a decent standard of repair in the property, and secure accommodation.
- ❖ To “quiet enjoyment” while living in the property.
- ❖ To proper notice if the landlord or landlady wishes to inspect the property, except in an emergency.
- ❖ To proper notice if the landlord or landlady wants the tenant to leave.
- ❖ To a Court Order if he or she doesn't leave during the notice period (as long as the tenant does not share facilities with a resident landlord or landlady).

Types of Tenancy

It is strongly advised that you have a written tenancy agreement setting down the terms and conditions of the tenancy. Standard tenancy agreement forms can be bought from any Law Stationers, or you can draft your own agreement to suit your particular circumstances, although it is advisable to consult a solicitor if you are not experienced in such matters. **When creating a tenancy, you should take care to ensure that it is of the correct type to suit your future plans for the property.**

What kinds of tenancy are there?

An Assured Tenancy

Assured tenancies can be either for a fixed term or periodic. Periodic Assured tenancies are where the property is let on a week to week basis until the tenant leaves. If you want an assured tenant to leave, you must prove that at least one of the 16 “grounds” for possession has been broken. These grounds are set out in the 1988 Housing Act and are either mandatory or discretionary, covering such problems as rent arrears, anti-social behaviour and damage by the tenant – full details are contained in the fact sheet “Grounds for possession” at the back of the guide. Some of the grounds require a notice to be served **before** the start of the tenancy – if the notice has not been served, the ground can’t be used. These include, for example, a returning landlord or a mortgage repossession.

An Assured Shorthold Tenancy

This is the most common form of tenancy and from 28 February 1997 **all** new tenancies will be assured shortholds unless agreed otherwise in writing. You no longer need to give the tenants a special notice to set up an assured shorthold tenancy and you will be guaranteed possession of the property after 6 months, provided that any fixed term you agreed with the tenant has ended. You need only give 2 months’ written notice that you want your property back expiring on a rent day. An assured shorthold tenancy can also be ended at any time on one or more of the grounds for possession described above.

For both Assured and Assured Shorthold tenancies, a landlord must not try to evict the tenant, but must instead follow the correct procedure through the county court. **Failure to do so may result in a criminal prosecution for harassment or unlawful eviction, and damages payable to the tenant.**

Resident Landlord Tenancy

If you intend to share your own house where you live with other tenants, you will need to create a resident landlord tenancy. You will need to agree to a fixed tenancy period, but if for any reason you wish to end the tenancy, you will not normally need a court order to gain possession. You do, however, need to issue a written notice giving an agreed period to leave.

You should always seek detailed professional advice if you have any doubts.

Finding Tenants

There are different ways of finding suitable tenants for your property. You might wish to advertise your property in local newspapers, or in shop windows. It is in all cases very important that you interview prospective tenants carefully to ensure that they are suitable. However you should not discriminate against anyone on the grounds of race, religion, disability, age or gender.

You may also consider using a letting agent to deal with the property on a day-to-day basis. This may be worth considering if the property you intend to let is some distance from where you live or if you are often away for long periods of time.

An agent will:

- ❖ Find tenants.
- ❖ Take up references.
- ❖ Hold deposits.
- ❖ Prepare inventories and contracts.
- ❖ Collect rents.
- ❖ Deal with emergency repairs.
- ❖ Monitor and chase rent arrears.
- ❖ Inspect the property from time to time.
- ❖ Deal with departing tenants, returning deposits, etc.

You should choose your agent with care – some companies are members of ARLA (the Association of Letting Agents), but there is no restriction on who may act as a letting agent or how much they can charge for their services. Other landlords may be able to provide references.

Ask your agent about bonding schemes – these ensure the security of any money held by the agent on behalf of the landlord.

If you are considering renting your property to students of Swindon College, or staff of the Great Western Hospital you should initially contact:

Accommodation Department GWH

Telephone: 01793 605749

Accommodation Officer, Swindon College

Telephone: 01793 498202

How much rent should you charge?

There is no restriction on the amount of rent you negotiate with your tenant at the start of the tenancy, but it should be on terms which are fair and reasonable. You can find out about local rents from the Rent Officer Service (01179 340650), letting agents in the area and by checking advertisements in the press.

Can rents be increased?

The rent can be increased if the tenancy agreement allows for a rent review or if the landlord serves a notice of increase in the prescribed form, but there can only be one increase a year. You can consult the Rent Officer Service for advice.

Excessive rent

Should your tenant claim housing benefit to help pay the rent, the rent officer will decide whether the rent is reasonable for the type of property. If it is considered excessive, your tenant will not receive housing benefit for the full amount of rent. There is a fact sheet on Housing Benefit contained in this guide which gives more detailed information and this will be regularly updated. It also contains information about pre-tenancy determinations of rent.

If your tenant has a shorthold tenancy and believes the rent is too high compared to similar properties, they are entitled to ask the Rent Officer Service what the rent should be. Tenants whose tenancies began on or after 28 February 1997 must apply to the committee within 6 months – existing tenants may apply at any time during the fixed term of the original tenancy.

Collection of rent

If the rent is paid weekly, you are obliged by law to provide a rent book containing your name and address and the main terms of the tenancy. If rent is paid fortnightly or monthly you should provide a written receipt to avoid later disputes. Rent should be collected regularly at an agreed reasonable time.

Rent arrears

From 28 February 1997 a landlord can give a tenant notice that he will seek possession through the court if that tenant is at least 8 weeks behind with your rent. If this is still owed at the time of the court hearing, the judge will grant the landlord a possession order.

Good Management Practice

By following basic good management practices, most problems associated with letting property can be avoided and a good relationship between landlord and tenant maintained.

Deposits

Where a deposit is taken you must register with a recognised tenancy deposit scheme. There are three schemes available :

- The deposit Protection Service- this is a custodial scheme which is free to use. This scheme holds the deposit for you. For more info see: www.depositprotection.com
- Tenancy Deposit Solutions Ltd- is an insurance based scheme run in partnership by the National Landlords Association and Hamilton Fraser insurance. You may retain the deposit with this scheme. For more info see: www.mydeposits.co.uk
- The Tenancy Deposit Scheme- is an insurance based deposit protection and dispute resolution scheme run by the dispute service. You may hold the deposit with this scheme.

You must provide proof of your chosen scheme to your tenant and their right of dispute and procedure to follow where necessary.

The amount of deposit you ask for will depend on what you think needs to be covered, but a sum equivalent to four weeks rent is usual. You must detail what is covered by the deposit.

Inventories

You are strongly advised to make a list of all equipment and furniture in the property, and to take details of its condition when the tenants first move in. Any existing damage should be noted and agreed with the tenants. A well drawn up inventory will help to avoid disputes, especially those which involve the return of deposits. A copy of the inventory should be given to the tenants. It may also be worthwhile taking photographs of particularly valuable items.

Insurance

You should arrange for both building insurance **and** contents insurance cover for your property if it is being let furnished. A landlord needs to check that the insurance provides suitable cover and is appropriate to the type of property and also the type of tenancy. You may find that property let to students, for example, or to people in receipt of Housing Benefits is perceived to be “high risk” and premiums may reflect this. You should get expert advice from an insurance broker who specialises in arranging cover for privately rented property.

Tax liability

The income a landlord receives from letting a house **may** be taxable. You should therefore notify HM Inspector of Taxes of such income received on your tax return. It may be possible to deduct expenses incurred “wholly and exclusively” for the purpose of letting – for example, insurance, repair costs – when assessing your taxable income. You may also be liable to pay Capital Gains Tax if you sell a house which you have not been living in yourself immediately prior to its sale. **The rules which apply to rental income are complicated, and you are strongly advised to consult your accountant or solicitor for professional advice.**

Selling the house

If you decide to sell the house, you should notify the tenants and give them the name and address of the new owner. The tenancy agreement must also be amended, otherwise you may find you have a continuing liability for the house under the Landlord and Tenant Act 1985.

If you do find yourself in dispute with your tenants and are unable to resolve the problem, you should always seek advice from your solicitor.

Harassment and Illegal Eviction

Harassment

Harassment can be defined as any acts which are likely to interfere with the peace or comfort of the residential occupier, or members of his/her household or to persistently withdraw or withhold services reasonably required for occupation.

Some examples of this include:

- ❖ Threats of illegal eviction.
- ❖ Repeated visits at unreasonable times.
- ❖ Disconnection of services – hot water or heating, for example.
- ❖ Disruptive repair work.
- ❖ Interfering with mail.

Unlawful eviction

This is defined as unlawfully depriving a residential occupier of premises, or any part of premises, or making an attempt to do so.

This might include:

- ❖ Forcible removal of the tenant from the property without a Court Order.
- ❖ Changing the locks while the tenant is out.
- ❖ Locking toilet or bathroom facilities.
- ❖ Blocking access to parts of the accommodation.
- ❖ Locking external access doors.

Under the protection from Eviction Act 1977, harassment and illegal eviction of a residential occupier is a criminal **and** civil offence.

Under civil proceedings, a tenant may:

- ❖ Obtain an injunction to be reinstated in the residence in the case of eviction.
- ❖ Obtain an injunction for non-molestation in cases of harassment or eviction.
- ❖ Pursue a claim for damages to cover quantifiable loss, damage, distress caused.

Under criminal proceedings via the Local Authority, a landlord may be prosecuted and face a penalty of:

- on summary conviction in a Magistrates' Court, a fine not exceeding £2000 and/or up to six months' imprisonment.
- on conviction on indictment in the Crown Court, an unlimited fine and/or up to two years imprisonment.

You should **always** consult a solicitor if you are unsure of the correct procedure to follow if you wish a tenant to leave the property. If you fail to follow the legal procedure in bringing a tenancy to an end and a tenant is forced to leave against their will, you may be liable under the 1977 Act.

If the Council is made aware of any incidence of harassment or illegal eviction, it will attempt to ascertain all relevant details, and where possible, act in a conciliatory manner. The tenant and landlord will usually be advised to seek legal advice in their own right, but if the Council believes an offence has occurred, a criminal prosecution will be commenced in the Magistrates' Court.

Fitness Standards for Rented Property

To be considered fit for human habitation, a house must comply with the requirements of:

- 1. The Housing Act 2004, and**
- 2. The Landlord and Tenant Act 1985, Sections 8 and 10**

In simple terms, the requirements of the legislation demand that a house is free from significant hazards at the beginning of the tenancy and these conditions are maintained for the duration of the tenancy. In addition to the guidance contained in this booklet, a check list is provided in Fact Sheet 9 to assist you.

General repair

All parts of the house should be in a reasonable state of repair and good working order. Before letting a property, you should ideally ask a qualified surveyor to carry out a full inspection and produce a report on its overall condition.

If the house is occupied by students, it is a good idea to try to arrange for routine maintenance to be carried out during holiday periods when the house is likely to be vacant.

Emergency repairs – for example, burst water pipes, leaking roofs, failed central heating – should be attended to within 24 hours where possible. Tenants should be given an emergency contact telephone number to report any essential repairs. You should also give your tenant details of how to turn off the water supply and gas and electricity services.

Structural stability

The house should be free from any progressive structural movement which is likely to lead to the collapse or failure of any major part of the building.

In particular, you should look out for the following:

- ❖ Leaning chimney stacks and pots.
- ❖ Sagging roofs.
- ❖ Bulging brickwork to the main external walls.
- ❖ Settlement cracks above windows and doorways.
- ❖ Sloping floors.

Again, you should seek the advice of a qualified surveyor prior to letting if you are unsure of the overall condition of the property.

Freedom from dampness

There should be no dampness in the house severe enough to cause ill health to the occupants.

In particular, watch out for:

- ❖ Rising dampness to ground floor walls, usually indicated by a damp tide mark about 18 inches above floor level.
- ❖ Rising dampness to ground floor floors. Old quarry tile floors and poorly constructed solid concrete floors with no damp proof membrane are particularly susceptible.
- ❖ Penetrating dampness to walls and ceilings due to leaking roofs and gutters, perished brickwork, leaking water supply pipes, etc.
- ❖ Excessive condensation leading to mould growth, especially on the walls of kitchens and bathrooms. Typical causes include clothes dryers not externally ventilated. Please contact the Environmental Health Section.

Heating

The efficiency of the heating system has a significant impact on an occupant's enjoyment of a house, as well as being beneficial to the structure of the property. The type of heating provided must be efficient, safe and, ideally, economical to run. Individual gas or electric fires are not an acceptable method of heating. **L.P.G. mobile heaters are not acceptable in multi-occupied properties and should be removed.**

All habitable rooms should be provided with a fixed heating appliance which is capable of heating the room to a temperature of 18°C when the outside temperature is -1°C.

Whole house heating systems – central heating or electric storage heaters which use economy tariffs should be provided. Only fixed heating is suitable and efficient insulation is also vital to ensure a warm home.

In particular, you should:

- ❖ Ensure roof spaces have a minimum of 250 mm insulation material.
- ❖ It is strongly recommended that cavity wall insulation is installed where appropriate.
- ❖ Efficient heating systems are provided which are sufficient for the size of dwelling.
- ❖ Ensure heating systems can be adequately controlled.
- ❖ Ensure heating systems are adequately installed and maintained.
- ❖ Consider replacing old, ill fitting windows and doors.
- ❖ Ensure adequate background ventilation is in place without being excessive.
- ❖ Draughtproof external doors and windows (except those with an open-flue gas appliance).
- ❖ Ensure the hot water tank is fitted with a good quality insulation jacket.
- ❖ Ensure that all water pipes likely to be exposed to frost are properly insulated to prevent burst pipes during winter.

Excess Heat

In contrast properties should not have excessive indoor temperatures. Attic rooms and multiply occupied dwellings are most susceptible.

Factors to consider are:

- Adequate Thermal insulation especially in attic flats.
- Where there are large expanses of south facing glazing- provision of blinds or shuttering to control solar heat gain.
- Natural or mechanical ventilation and cooling mechanisms provided
- Adequate controls for heating system.

Lighting

All habitable rooms should have adequate natural lighting to allow domestic duties to be undertaken easily and safely. A clear glazed window equivalent in size to one tenth of the floor area will normally be adequate.

All staircases, landings, kitchens, bathrooms, and toilets should be provided with a window wherever practicable.

Adequate electric lighting must also be provided to all accessible parts of the house to allow domestic and recreational activities to be carried out without eyestrain.

In particular:

- ❖ Light switches should be suitably positioned so they can be operated directly on entering any room, hallway or landing.
- ❖ There should be two-way switches both at the top and bottom of all staircases.

Ventilation

All habitable rooms should be ventilated directly to the open air by an opening window equivalent in size to one twentieth of the room floor area.

Kitchens and bathrooms should also have opening windows where possible. If this is not feasible, there should be adequate mechanical ventilation provided by heat recovery ventilation type extractor units.

The use of automatic humidistat extractor fans is recommended in kitchens and bathrooms, even where there is a window. This will help prevent the growth of mould on walls and ceilings.

Protection Against Accidents

Under the Housing Act 2004 all dwellings should be designed, constructed and maintained with non-hazardous materials and should be free from both unnecessary and avoidable hazards.

Hazards to consider that relate to accidents include falls on stairs and steps, falls on the level, falls associated with baths and falls from windows etc.

Factors to consider are:

- Stairs and steps in good repair
- Handrails provided
- Adequate Lighting in all areas
- Adequate height and width of treads and risers
- External & internal floor surfaces in good repair and an even surface
- Adequate drainage to external paths/yards
- Adequate slip resistance
- Excessive slopes

- Provision of handles and grab rails in bathrooms
- Taps, wastes, light switches sited appropriately
- Adequate space
- Poorly fitted baths, shower, basin, WC

- Windows in good repair
- Ease of cleaning glass

- Opening limiters
- Ease of window operation
- Window safety catches

Condensation

Condensation and mould growth is a major problem affecting property and is particularly prevalent in the rented sector due to poor levels of thermal insulation and unsatisfactory heating.

To remedy condensation and mould growth problems, either the amount of moisture in the air must be reduced or the house made warmer. In practice it is necessary to do both, together with the installation of heat recovery humidistat controlled extractor fans.

Most importantly, tenants should be advised on how to use the heating and ventilation appliances effectively.

A comprehensive fact sheet on the subject is included in the Appendix.

Relevant Factors:

- Energy efficiency- adequate heating and insulation of the dwelling
- Background ventilation- controllable background ventilation
- Extract ventilation- safe accessible means of the extraction of moisture laden air during cooking, bathing and showering

Fire Safety

All houses should have at minimum a fire blanket and a battery operated smoke detector. These must be provided in all premises owned or managed by accredited landlords. Additional fire safety measures are required in houses in multiple occupation.

Electrical Safety

The electrical installation of the house

The electrical wiring circuits, switches and sockets must be in a safe condition, good working order and adequate for the needs of your tenants. You should make sure that the safety of your tenants is not compromised through a defective or inadequate electrical wiring installation by having regular inspections carried out by a competent electrician, preferably one who is N.I.C.I.E.C. approved (National Inspection Council for Electrical Installation Contractors)

You should also ask your electrician to produce a “Periodic Inspection Report for an Electrical Installation”. Wiring over 15 years old will probably need annual inspections, although more recent wiring may require less frequent checks – your electrician’s report will recommend how often the property should be inspected. Houses in Multiple Occupation should always have annual checks, due to the more intensive use of electrical equipment.

Danger signs

Indications of a substandard electrical installation include:

- ❖ Insufficient number of power sockets, leading to use of multiple adaptors be tenants, with the consequent risk of overloading the circuit.
- ❖ Electric power sockets in bathrooms, near sinks or other sources of water.
- ❖ Wall switches for lights or showers in bathrooms.
- ❖ Unprotected surface mounted cable.
- ❖ Taped joints, exposed or loose wiring.
- ❖ Charring around power sockets.
- ❖ Sparking from light switches.
- ❖ Lack of earthing to water pipes, sinks and wash basins.

If your house has **any** of the above features you should call in an electrician as soon as possible.

Safety of electrical equipments

Electrical equipment in furnished, privately rented housing which is hired as part of the tenancy agreement is subject to the Electrical Equipment (Safety) Regulations 1994. These regulations require that electrical equipment must be safe to use. It applies to such things as lamps, televisions, vacuum cleaners, fridges, portable electric fires etc.

Although there is no requirement to carry out regular testing, in the event of an accident involving an appliance, or a complaint being made, you would need to show all reasonable steps were taken to ensure the equipment was safe.

You should buy new equipment which conforms to British Standards (or other Safety Standards). However, if you choose to buy second-hand, or if your existing equipment is old, it would be advisable to have them checked by a competent electrician who will give you a certificate confirming the safety of the equipment.

Basic safety checks you should carry out :

- ❖ Ensure cables and flexes are not damaged.
- ❖ Ensure plugs are wired with the correct, modern colour coding – if an appliance has the old black and red insulation, it is unlikely to comply with current safety standards.
- ❖ Ensure that plugs have insulated terminal inserts.
- ❖ Check the wattage of light bulbs is not too high for the fitting.
- ❖ Make sure that fuses in plugs are of the correct rating.
- ❖ Look for the approved safety mark on the appliance.
- ❖ Don't use multiple adaptor plugs, use a multiple socket gang for occasional use instead.

Gas Safety

The problem

Gas is an economical and convenient fuel to use in rented properties, but there are associated dangers, such as carbon monoxide poisoning due to insufficient ventilation or blocked flues.

Each year more than twenty people die from carbon monoxide poisoning caused by gas appliances which have not been properly installed or maintained. Many of these deaths occur in rented property.

Danger signs

Soot, staining or discolouration around a gas fire or around the top of a water heater or central heating boiler.

A yellow or orange flame in a gas appliance.

The onset of symptoms such as tiredness, headache, dizziness or nausea.

The Law

The Gas Safety (Installation and Use) Regulations 1998 applies to all rented property containing gas appliances. The Main requirements of these regulations are:

- ❖ Owners of rented property are required to have all gas appliances checked for safety at least once a year, and the owner must keep a written record of the checks for at least 2 years. A copy should be issued to the tenant.
- ❖ Safety checks, servicing, repair and replacement of these appliances may only be carried out by CORGI registered contractors.
- ❖ Installers must tell you if an appliance is found to be unsafe. You will be asked to agree to the disconnection of the appliance. Should you refuse, British Gas will be informed – it has the right to disconnect dangerous appliances.
- ❖ You have a continuing duty to ensure no actions are taken which will affect the safe operation of any gas appliance.
- ❖ With effect from 1 January 1996, open flued gas fires or boilers must not be fitted in any room where people sleep. “Balanced flue” appliances or those with an automatic cut off device when levels of carbon monoxide fumes increase are permitted.

What else can you do?

Problems can occur between annual safety checks, so you should try to carry out your own periodic inspections. Warn your tenants to watch out for the following:

- ❖ The danger signs previously mentioned.
- ❖ Never to cover an appliance or block ventilation systems, grilles or air bricks.
- ❖ Never to block or cover outside flues.
- ❖ Never to fit draught stripping to doors or windows of any room containing an open flued gas appliance, unless there is a permanent form of ventilation such as an air brick.
- ❖ Never use portable LPG fires.

Other steps you can take

In addition, you should take care that any contractors doing work on your property do not affect the ventilation system to any gas appliance. You might also like to consider replacing old style open flued gas fires in bedrooms with balanced flue type fires, or central heating radiators.

What about carbon monoxide detectors

Reliable electronic carbon monoxide detectors which comply with British Standard 7860 are available but you should not rely solely on such devices. The safest approach is through regular testing and servicing of gas appliances.

Kitchen Facilities

It is a **statutory requirement** to ensure that there are satisfactory facilities in the dwelling house for the storage, preparation and cooking of food.

As the preparation and cooking of food is potentially the most dangerous activity in the home (often in connection with the cooker, the electrical installation or out-of-reach storage) careful thought should be given to the design of the kitchen.

In particular you should consider:

- ❖ A safe working layout.
- ❖ Adequate circulation space.
- ❖ The location of the cooker in relation to work spaces and doorways.
- ❖ Impervious and easily cleaned surfaces, including worktops and the sink.
- ❖ Correctly installed and maintained gas and electrical equipment.
- ❖ Adequate lighting.
- ❖ Level, easily cleanable flooring.

There are specific standards required of Houses in Multiple Occupation, and you should ensure that you are aware of these. Please read the relevant information sheet for further details. Accredited Landlords, are required to ensure that all kitchens have a fire blanket. This must be away from the cooker and have a metre of clear space beneath it.

Furniture and Furnishings

Since 1 January 1997, all furniture provided in furnished rented accommodation – houses, flats and bedsits – must meet the fire resistance requirements of the Furniture and Furnishings (Fire) (Safety) Regulations, 1988.

What products do the Regulations cover?

Any of the following which contain upholstery:

- ❖ Beds, mattresses, and headboards.
- ❖ Sofa beds, futons and other convertibles.
- ❖ Nursery furniture.
- ❖ Scatter cushions, seat pads and pillows.
- ❖ Garden furniture intended for use in a dwelling.
- ❖ Loose and stretch covers for furniture.

The regulations do not apply to:

- ❖ Sleeping bags or loose covers for mattresses.
- ❖ Bed clothes (including duvets) and pillow cases.
- ❖ Carpets and curtains.

All new furniture (apart from beds and mattresses) and loose and stretch covers must carry a permanent label attached showing the item complies with the Regulations.

If you require advice or further information about whether your existing furniture complies with the Regulations, you should contact the local Trading Standards Department, telephone 01793 525387.

The responsibility for compliance with the Regulations rests with the person letting the accommodation – this can be estate agents, letting agents, landlords or property managers. Failure to meet the requirements of the regulations may result in fines of up to £5000 and/or six months' imprisonment.

General Property Maintenance

Cleanliness and decoration

At the start of a tenancy, the internal decoration of the property should be clean and presentable, and free from mould growth, chipped paintwork or peeling wallpaper.

Floor coverings should be clean, presentable, well fitting and securely fixed. Loose or worn carpeting on stairs can be dangerous and should be checked prior to occupation.

Kitchens, bathrooms and drains should be thoroughly cleaned and disinfected at the end of each tenancy period before the next letting.

Gardens and boundaries

Overgrown gardens full of rubbish, and dilapidated fences and walls have a detrimental effect on a neighbourhood and can cause great concern to local residents.

Gardens should be kept reasonably tidy and damaged fencing should be renewed or repaired as soon as possible.

Pest Control

A clean and tidy house in good repair will not normally experience any major problems with rodent or insect infestation. If, however, such problems do occur, you should contact the Council's Pest Control team for advice, telephone 01793 466071.

Refuse storage and collection

You should ensure that refuse is securely stored at all times to avoid potential health risks. Tenants should be aware of the collection day for their particular area, and to leave their full bin bags out on the morning of collection.

Making your Property Secure

It is important to ensure that your property is made as secure as possible in order to protect the personal safety of tenants and safeguard their – and your – possessions. There are some simple steps you can take to reduce the risk of break-ins.

- ❖ Locks to entrance doors should be operable from the inside without using a key, to ensure the way out is not cut off in case of fire.
- ❖ Locks should be in a position where they cannot be reached from a broken pane of glass in or near the door.
- ❖ Glass in exterior doors should be of Georgian wired glass or strengthened glass as an additional precaution.
- ❖ You should consider fitting safety chains and spy holes to front doors.
- ❖ Where possible, automatic security lighting should be installed especially if the property has a rear entrance, or if the front entrance is particularly dark or secluded.
- ❖ Rear security lighting is important if the back garden opens on to a playing field or common access path.

Shared houses

Shared houses, especially those occupied by students, have been shown to be particularly at risk from burglary, since they are often unoccupied for most of the day. In addition to good quality locks on doors, suitable security locks should be fitted to all openable ground floor windows and accessible windows on upper floors. These, of course, should **only** be fitted where full fire alarm systems have been installed, and should be of a type that can be easily opened from the inside with the use of a key.

Water Supply

There is a **statutory requirement** for all properties to have an adequate piped supply of wholesome water.

Problems to watch out for:

- ❖ Even with a mains supply, water can become contaminated from within a property from uncovered water tanks being polluted by bird droppings, dead birds, insects or small animals.
- ❖ Any interruption to the supply or a low rate of flow may result in an inadequate replenishment of the cold water tank which may affect the safety of any boiler or water heater.
- ❖ It is essential that supplies for drinking water and preparation of food must come from the rising main and not via the storage tank.

Drainage of Foul, Waste and Surface Water

It is a **statutory requirement** to provide an effective system for the drainage of foul, waste and surface water.

It is accepted good practice to inspect regularly:

- ❖ Lavatory, sink and bath outlets.
- ❖ Gutters.
- ❖ Rainwater down pipes.
- ❖ Gullies.
- ❖ Manholes.

To ensure they are in good condition and not liable to blockage.

FOI/3032