

## **Portsmouth City Council**

### **Criteria for approved accreditation bodies**

Portsmouth City Council recognises that good performance and practices by landlords and agents should be supported and encouraged through appropriate accreditation schemes and the provision of information and education. Local and national bodies who accredit landlords and agents which support professional behaviour and foster best practice in the sector, should be visible, promoted, and encouraged.

Accrediting bodies that can demonstrate they meet the following criteria will be recognised by Portsmouth City Council, promoted through the Council's website for the benefit of landlords, agents, and tenants, and the Council will work proactively with such accrediting bodies to offer benefits to their accredited members.

### **Landlord accrediting bodies**

For Accrediting bodies there is a requirement that the scheme includes the following criteria for their accreditation candidates:

1. Accredited Landlords/ agents agree to provide written tenancy agreements for all new tenancies.
2. Accredited Landlords/ agents agree that all deposits received are protected using an approved Tenancy Deposit Protection scheme.
3. A code of practice must be signed by each accredited Landlord/ agent. (See appendix 1 for the minimum requirements that must be included in the code of practice).
4. A "*Fit and Proper Person declaration*" or equivalent terms covered in the code of practice must be signed by each accredited Landlord/ agent. (See appendix 1 for the minimum requirements that must be included in the fit and proper person declaration or code of practice).
5. A commitment that accredited Landlords/ agents will undertake regular training (at least annually) and provision of information which means the accrediting organisation requires their member to keep up to date with new legal requirements relevant to renting out a property; suggested areas to cover:
  - Property Standards
  - Management
  - HMOs
  - Licensing
  - Tenancy Law
  - Provide updates on new laws.
6. There is a written complaints process for tenants to raise concerns about the property they live in and any associated services provided.

### **For agent accrediting bodies (in addition to the above requirements)**

7. Accredited agents must be members of an approved Agents Redress Scheme and scheme membership publicised.

8. Accredited agents must meet minimum Trading Standards requirements – i.e. Members comply with the Competition and Markets Authority Guidance for Letting Professionals.

**All accrediting bodies must ensure:**

9. They meet equalities legislative requirements – i.e. no discriminatory statements.
10. That their overall scheme requirements and organisation appear “legal” (NB this does not underwrite statements the organisation may have made).
11. There is a monitoring procedure in place to ensure compliance with accreditation rules. This may include random or routine assessments. On demand, the accrediting body must be able to provide the Council with written evidence of such monitoring.
12. There is a disciplinary procedure to deal with complaints which should ultimately include removal of member accreditation and retraction of permission to use associated branded material.
13. Provide the accredited landlord or agent with written evidence of their accredited status, along with a unique reference number.
14. That tenants are made aware, and can check that, a landlord or agent is accredited with the accrediting body.

If an accreditation body wishes to be recognised by Portsmouth City Council they should contact [psh@portsmouthcc.gov.uk](mailto:psh@portsmouthcc.gov.uk) supplying evidence of meeting the criteria outlined above. If an accreditation body is found not to meet the above criteria Portsmouth City Council will provide details of the reasons for this determination.

Portsmouth City Council will regularly review approved Accreditation bodies and can at any time revoke approval of such schemes, providing details of the reasons for this decision.

Portsmouth City Council has no legal obligation to recognise accreditation schemes and reserves the right to refuse or suspend association with any such schemes as it sees fit.

## **Appendix 1**

### **Fit and Proper Person Declaration**

#### **Minimum fit and proper person declaration required for each accredited landlord:**

I declare that I am a fit and proper person to be accredited in that neither I nor any person associated or formerly associated with me, have any unspent convictions that are relevant to my application.

- I have never committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements).
- I have never practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business.
- During the last 5 years I have not contravened any provision of the law (whether criminal or civil) relating to housing or landlord and tenant law, or been refused a licence under parts 2 and 3 of the Housing Act 2004. (HMO licences and selective licensing of other accommodation).
- During the last 5 years I have not acted in contravention of any relevant code of practice issued under section 233 of the Housing Act 2004 (management of HMO).

This declaration can be incorporated into the relevant code of practice.

### **Code of Practice**

#### **Minimum code of practice required:**

Accreditation bodies must have a code of practice which should include as a minimum the following general terms. Exact words and phrases may differ, but the following terms should be reflected in the overall code of conduct:

#### **Compliance**

Accredited members must make all reasonable efforts to remain familiar, and comply, with all relevant statutory and regulatory requirements.

Accredited members must take all reasonable steps to assist the accrediting body in investigating any allegations of misconduct or breaches of their code of practice.

#### **Honest Conduct**

Accredited members must act in all business dealings, whether directly related to the letting or management of residential property or not, in an honest fashion. They shall not knowingly mislead, misrepresent, or deceive members of the public.

All advertising and marketing material must be clear, legal and truthful. It must not aim to mislead, give a false impression or misdirect.

### **Equal Treatment**

Accredited members must not discriminate in dealings with members of the public or third parties. No individuals shall be excluded from access to employment, accommodation, or other business dealings or receive less favourable treatment based on any protected characteristics as defined by the Equality Act 2010.

### **Tenancy management**

Accredited members shall provide tenants with a written statement of the terms of their occupancy. These terms should be provided far enough in advance of the proposed commencement of any occupancy to allow prospective tenants to seek relevant advice, and accredited members should assist their prospective tenants with understanding the terms of occupancy.

Accredited members shall promptly acknowledge receipt of all communications received from their tenants or their representatives.

Accredited members shall provide relevant contact details for the management of emergencies

Accredited members must attend to all matters of disrepair reported to them without unreasonable delay.

Accredited members must take all reasonable steps to ensure that residential property remains fit for human habitation for the duration of any tenancy.

Accredited members shall ensure that they, or their representatives, do not harass their tenant or undertake any action that would constitute illegal eviction of their tenant.

When seeking to end a tenancy, the accredited member shall ensure they, or their representatives, are following the correct legal procedure to bring the agreement to an end.

Members shall not refuse to provide a tenant with a reference for the purposes of securing a new tenancy without good cause.

### **Breach of the Code of Practice**

If a complaint or allegation against an accredited member are found to constitute a breach of the Code of conduct, the accrediting body will apply appropriate sanctions. (These sanctions should be proportionate to the breach, and may vary from warnings, audits, improvement plans, and in the most serious breaches removal of member accreditation).