



EAST MIDLANDS LANDLORD ACCREDITATION SCHEME



Scheme Manual

Authors Note:

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Tom Toumazou DASH Project Manager

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Prepared by

**Tom Toumazou
Rebecca Brown
Tony Briggs
Neil Marsden
Fiona England**

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1.0 Overview

1.1 Strategic Context

The aim of the East Midlands Landlords Accreditation Scheme (EMLAS) is to encourage, acknowledge, raise awareness and actively promote good standards and management practice in the private rented sector. It will also support landlords and tenants in undertaking their responsibilities. It is intended to be a significant factor in a strategy of self regulation for the Private Rented Sector (PRS) which will contribute to the raising of housing standards.

EMLAS is for responsible landlords who wish to demonstrate their commitment to providing good quality accommodation services.

The scheme accredits landlords, not properties and guidance on compliance is available from the Regional Scheme Operator (RSO) upon request. The scheme will complement existing local landlord or property accreditation initiatives.

EMLAS is primarily aimed at good management practices and supporting landlords through the provision of development courses; it is not intended to cover detailed property standards. An indication of the property standards to be expected in property that has a reasonable standard of management is given in [appendix 6](#) Property Standard.

1.2 Region of Operation

The scheme covers the geographical area of the East Midlands. The map provided in [appendix 8](#) illustrates the area covered. [Appendix 9](#) is a list of local authorities eligible to join.

1.3 Accreditation

Accreditation is open to all landlords and managing agents who own or manage property in the region. References to 'landlord' in the scheme documentation includes managing agent. The scheme is not open to registered social landlords or for local authority owned properties.

The scheme aims to provide as much support as possible to landlords to enable them to provide the essential private rented letting services that the communities of the East Midlands region need. The RSO will develop and provide incentives for accredited landlords.

1.4 Beneficiaries of Scheme

The beneficiaries of the scheme are:

- Tenants who are enabled by the scheme to choose a quality assured private landlord
- Landlords who receive the support necessary to operate a profitable business in a highly regulated service area for the benefit of the citizens of the region
- Communities that can be assured that accredited landlords will manage their property in a way that contributes to community sustainability
- Local authorities that have a strategic housing duty to facilitate an adequate supply of quality privately rented accommodation and a regulatory function to ensure that rented accommodation is healthy and safe.

1.5 Scheme Requirements

To become accredited a landlord must:

- certify that they satisfy the Housing Act 2004 definition of fit and proper person
- attend approved training course(s) covering tenancy management, health & safety and hazard awareness, in order to demonstrate a sufficient level of ability to manage property to the standard required by this accreditation scheme;
- comply with the Code Management (see [appendix 5](#));
- have a basic awareness of the most common Category 1 hazards as defined by the Housing Health and Safety Rating System (HHSRS) (see [appendix 6](#)) and to the best of their abilities ensure that their premises have no known Category 1 Hazards;
- ensure that the physical condition of dwellings, the level of provision of basic amenities, and management practices are fair and reasonable and are not prejudicial to the health, safety and welfare of tenants or the surrounding neighbourhood.

1.6 **Scheme Compliance**

EMLAS is a self-certification scheme complemented by verification and compliance checks, which are designed to ensure the scheme has credibility. It contributes to a strategy of self regulation and accordingly relies on the good will and trust on the parts of landlords, tenants and the RSO. Compliance checks may be carried out by the RSO and/or by the local authority in whose area a property is situated.

Compliance with the scheme will ensure that:

- landlords, tenants and community members enjoy the benefit of good dwelling conditions, competent management and considerate neighbourly behaviour
- disputes are reduced
- problems are promptly resolved

1.7 **Scheme Regulation**

Investigation of complaints by tenants or breaches of the requirements of the scheme may be undertaken by the RSO and/or by the local authority in whose area a property is situated. A disciplinary procedure is prescribed for breaches of the scheme. The ultimate sanction for which is removal from the register of regional accredited landlords.

1.8 **Scheme Finances**

EMLAS is non-profit making, all sources of revenue are invested into the scheme. A balanced annual budget will be set for the scheme.

1.9 **Date of Commencement**

The scheme will come into commencement on 1st April 2008

Full details of the scheme are also available at www.emlas.org.uk

2.0 Constitutional Framework

2.1 The Constituent Bodies of EMLAS

The constitutional framework of EMLAS comprises:

The Regional Steering Group (RSG) The RSG owns the scheme and has overall responsibility for the operation of the scheme. It makes decisions and directs the other bodies to achieve the strategic aims of EMLAS.

The Committee of Management (CoM) The CoM is responsible for the implementation of policies, performance and financial management of EMLAS. The CoM provides the work programmes for delivery of the Schemes objectives.

The Regional Scheme Operator (RSO) The RSO delivers the service and undertakes activities to achieve the schemes objectives as required by the CoM and the RSG.

The Consultative Committee (CC) The CC is a group of stakeholders that provide opinions and advice to EMLAS.

The Host Authority (HA) The HO is a Local Authority who has agreed with the RSG to provide the staff, facilities, amenities and support for the operation of EMLAS.

Regional Accredited Landlord (RAL) A RAL is a landlord that meets EMLAS requirements and has been accepted into EMLAS by the RSO.

Participating Local Authority (PLA) A PLA has entered into an agreement with the RSG to undertake certain responsibilities and to actively support EMLAS by contributing resources to it.

2.2 The Regional Steering Group

2.2.1 Membership Membership of the RSG is comprised of one representative from each of the participating Local Authorities. There is a publicly available register of members of the RSG.

2.2.2 Chair The RSG has a Chair elected by the group. The Chair is the spokesperson representing EMLAS.

2.2.3 Secretary The RSG has a Secretary elected by the group. The RSO provides the administrative support for the Secretary and EMLAS.

2.2.4 Meetings The RSG must meet no less than twice a year and as often as is necessary to carry out their functions. There shall be a quorum of five.

2.2.5 Voting Rights Each member of the RSG is entitled to one vote. Decisions are made by a simple majority. In the event of votes being equal the Chair has the casting vote.

2.2.6 Functions The RSG will:

- Have ownership of EMLAS
- Ensure EMLAS achieves its aims and objectives.
- Contribute practical and professional expertise into EMLAS strategy and policy development
- Provide financial support in accordance with the budget

- Provide guidance to the CoM on the strategic aims of EMLAS and the means to achieve them.
- Undertake any other activity in support of EMLAS

2.3 **Committee of Management**

2.3.1 **Membership**

The members of the CoM are appointed by, report to and are accountable to the RSG. The RSG can remove a member of the CoM. The individual members of the CoM have defined policy responsibilities as determined by the RSG.

Members of the CoM must ensure

- their actions are in keeping with the aims of the scheme, and
- their performance in undertaking their policy responsibilities is satisfactory

2.3.2 **Chair and Secretary**

The Chair and Secretary of the RSG also have those functions on the CoM.

2.3.3 **Meetings**

The CoM meets as regularly as necessary in order to ensure the efficient, effective operation of the scheme but not less than twice a year. The RSO provides administrative and secretarial services for the CoM. There shall be a quorum of three.

2.3.4 **Voting Rights**

Each member of the CoM is entitled to one vote. Decisions are made by a simple majority. In the event of votes being equal the Chair has the casting vote.

2.3.5 **Function**

The policy and performance management of the scheme is the responsibility of the CoM.

2.3.6 **Development of Policies and Procedures**

The CoM will determine policies and procedures to include:

- Scheme publicity and promotion
- Financial management and fund raising
- Landlord professional development courses
- Scheme operational procedures
- The contents of the Code of Good Management Practice

2.3.7 **Business Plan**

The CoM has responsibility for developing, implementing and regularly reviewing the EMLAS business plan. The CoM consults with the RSG and the RSO, when undertaking this function. The business plan will specify:

- the aims and objectives of the scheme
- the actions necessary to achieve them
- how those actions will be funded and by whom
- the timescales involved
- the method of monitoring the outcomes

The CoM provides work programmes to the RSO derived from the business plan.

The CoM provides a report at least every six months and whenever requested, to the RSG on how the scheme is performing in meeting its business plan targets.

2.3.8 **Financial Management**

The CoM has responsibility for monitoring the financial management of EMLAS and reporting to the RSG.

2.4 Regional Scheme Operator

2.4.1 Officers

The Regional Scheme Operator (RSO) is a team of officers employed to administer the scheme. The team comprises the team leader and associated support staff as determined and appointed by the RSG.

2.4.2 Function

The RSO is authorised by the RSG and the CoM to undertake all the day to day activities necessary to operate EMLAS. It will administer and monitor the EMLAS Business Plan and provide reports to the CoM and the RSG. The RSO reports to, is accountable to, and receives policy and work instructions from the CoM. Ideas for improvement and change will also be generated and driven by the RSO. The RSO can make recommendations to the CoM and RSG.

2.4.3 Partnerships and Consultation

The RSO will:

- Work in partnership with landlords, landlord associations and other private rented sector stakeholders
- Consult with accreditation scheme stakeholders

2.4.4 Responsibilities

The RSO has the following responsibilities:

Applications

- Process applications for Regional Accredited Landlords (RAL)
- Assist in the preparation of a Property Improvement Plan (PIP) for applicants
- Assist landlords in achieving accreditation status
- Provide a landlord the reasons in writing if an application is unsuccessful

Administration

- Maintain the database of RALs
- Provide secretarial and administrative services for the CoM and the RSG
- Provide a public list of accommodation available to let, managed by RALs
- Liaise and share information with other local authorities
- Publicise and promote EMLAS
- Develop and maintain membership incentives and benefits
- Facilitate a resolution service for disputes by ensuring landlords and tenants have access to mediation services

Scheme Compliance

- Issue, administer, suspend and revoke accredited status
- Investigate complaints of breaches of EMLAS requirements
- Undertake compliance audits of the schemes requirements
- Coordinate participating Local Authorities property compliance check inspections
- Implement disciplinary procedures where necessary
- Inform landlords of a right of appeal and the procedure in respect of any decision made by the RSO

Landlord Training and Development

- Arrange for the provision of the landlord training that is necessary to comply with the requirements of the scheme

- Develop and provide other landlord professional development courses

Provision of Information

- Develop and maintain the EMLAS website
- Produce information in printed form and electronic formats available from the web site
- Organise conferences and seminars
- Provide information on changes in legislation
- Provide help and advice on housing related matters
- Provide advice on energy efficiency

Financial

- Management of the finances of EMLAS
- Develop sources of revenue

Publicity and Promotion

- Actively promote EMLAS across its geographical area
- Adopt and use a logo which will allow easy identification of RALs by prospective tenants
- Establish website links between the EMLAS website and the sites of all EMLAS stakeholders, particularly members of the RSG.
- Establish links are with a range of other organisations that are supportive of accreditation, for example Accreditation Network UK (ANUK) and the CLG.
- Establish website links between the landlords and managing/letting agents' web sites and the EMLAS web site
- Enable prospective tenants to access EMLAS information and identify the benefits of renting from an EMLAS landlord.
- Provide publicity leaflets that have a brief explanation of EMLAS and direct interested persons to the EMLAS website.
- Encourage prospective tenants to use a RAL
- Encourages landlords to become RAL
- Provide supplies of EMLAS publicity leaflets to PLAs and stakeholders that are supportive of EMLAS for distribution by them
- Coordinate the publicity and promotion of the RALS by PLAs and others.

2.5 Consultative Committee

2.5.1 Membership

The members of the CC are appointed by the RSG. Membership of the CC is not exclusive and comprises a range of Private Rented Sector (PRS) stakeholders. These include individuals, groups and organisations that wish to contribute their own time and resources to EMLAS and achieving its objectives. Members of the CC agree to support the aims, objectives and operation of EMLAS.

The CC may include representatives of:

- Local Authorities
- Central Government
- Regional Government
- Regional Authorities
- Landlord associations, local and national
- Individual unaffiliated landlords
- Tenants and tenant support groups
- Statutory authorities e.g. Police, Fire and Rescue Service
- Citizens Advice Bureau

- National Union of Students
- Chartered Institute of Housing
- Chartered Institute of Environmental Health
- Shelter
- Higher Educational Institutions and agencies acting on their behalf
- Housing related charitable organisations
- Training organisations
- Other accreditation scheme operators
- Other organisations with an interest in the PRS

2.5.2 Meetings

The Consultative Committee are invited by the RSG to attend meetings of the RSG. They contribute to the discussions but do not have a vote on any decisions. The RSG must take into account the views of the CC.

2.6 Host Authority

The HA provides the staff, premises and other overheads; support services including administration, human resources, financial, accounting, auditing and legal; and other necessary services in accordance with the agreement between the RSG and the HA.

2.6.1 Personnel

The staff of the RSO are employed by the HA. The HA provides management services to the RSO, the manager of the RSO reporting to an Officer of the HA. The RSO are bound to the policies and procedures of the HA which must be adhered to by all staff.

2.6.2 Finances

The RSO is financed from a separate budget that is outside the control of the HA but who provide financial management services for the income and expenditure of the budget. The agreement between the RSO and the HA may include remuneration for all or part of any costs incurred in being the HA.

2.7 Regional Accredited Landlords

A RAL agrees to comply with EMLAS requirements and to its terms and conditions. (See [3.0 Accreditation Requirements](#))

2.8 Participating Local Authority (PLA)

A PLA has entered into an agreement with the RSG to undertake certain responsibilities and to actively support EMLAS by contributing resources to it. A PLA can join EMLAS at the start of the financial year or at any other time by agreement with the RSG. A PLA can leave the scheme at the end of a financial year but must give at least six months notice in writing to the RSG.

2.8.1 Responsibilities

A PLA will:

a) Provide corporate wide support

PLAs should work towards including clear statements within their housing strategy to ensure that:

- The PLA corporately supports EMLAS
- The necessary resources are provided as agreed by the RSG
- The partnership agreement between the PLA and EMLAS is complied with
- All departments and sections within the PLA carry out the activities necessary for the scheme to operate efficiently, effectively and successfully

b) Publicise and promote

PLAs provide publicity and promotion of EMLAS to all landlords and managing agents within their administrative area. This includes:

- The electronic and hard copy mailing of publicity material provided by the RSO, to the landlords and managing agents that the authority has on its database.
- Requesting the agreement of all landlords to allow the authority to provide the RSO with their details so as to periodically provide them directly with further information on EMLAS.
- Hosting landlord fora at which EMLAS is promoted.
- Arranging for the RSO to periodically speak to officers that have regular communication and involvement with landlords, to explain how the scheme operates. The RSO will provide officers with the means to publicise the scheme.
- Providing details of EMLAS on their website with a direct link to the EMLAS website.
- Publicity and promotion of EMLAS recommending prospective tenants to seek out RALs.
- Positive promotion of the PRS.

c) Liaise with the RSO

- *Compliance Checking* - PLAs and the RSO provide mutual assistance in monitoring the compliance of EMLAS accredited landlords. This includes the exchange of positive information regarding compliance in addition to any information about non-compliance.
- *Information Sharing* - PLAs must enter into an Information Sharing Protocol and Agreement with the RSG and other PLAs to enable the proper exchange of information
- *Enforcement* - All PLAs have access to the RAL database. Before officers of PLAs visit privately rented properties, they refer to the RAL database to check whether the property is owned by an EMLAS landlord. If so, the officers carry out a simple EMLAS compliance check at the time of the visit. For this purpose, the RSO provides scheme compliance checklists. The PLA keeps one copy for their records and sends another to the RSO. A copy is sent to the RAL by the PLA.
- The findings from the compliance check determine the course of action taken by the scheme operator for any breaches of the EMLAS requirements. Action would normally be taken under the EMLAS regulatory procedures in the first instance, rather than the authority taking statutory enforcement action.
- If the RSO undertakes any compliance checks they will provide PLAs with copies of completed compliance checklists.
- *Enforcement Policy Agreements* The participating authority should have adopted the Enforcement Concordat and have enforcement policies to incorporate the requirements of EMLAS. Participating local authorities have the discretion to over-ride this protocol and initiate formal statutory enforcement action in the first instance, if circumstances are such that it is appropriate to do so. Where this happens the authority notifies the RSO of the course of action and the outcome. The RSO records these details against the landlord's EMLAS compliance performance.
- *Local Accreditation Schemes* Landlords may be members of both EMLAS and a PLA landlord accreditation scheme. The local scheme operator will inform the RSO of any breaches of the local scheme. If the RSO undertakes any

compliance checks they will provide local scheme operators with copies of completed compliance checklists.

- *Referral of Tenant Complaints* The RSO informs PLAs if a complaint of non-compliance is received from a scheme tenant and also on the outcome of any investigation.

d) Provide the resources necessary for the operation of EMLAS

PLAs provide financial assistance towards the running of EMLAS. This takes the form of an annual payment set by the RSG. The size of the contribution is in relation to the estimated number of privately rented properties within the PLA compared with the total number within the region. The PLAs sign a partnership agreement with EMLAS that commits the authority to providing the agreed funds and the resources needed to contribute towards the successful operation of the scheme (See [Appendix 1](#)).

e) Provide representation on the EMLAS steering group

PLAs are entitled to nominate one representative on the RSG.

2.8.2 Funding the RALS

EMLAS is a not for profit scheme. All income received from activities connected with EMLAS are used in the operation of the RALS.

The RSG must approve a balanced budget prior to their financial year which is from April 1st to March 31st. All income and expenditure of EMLAS must be authorised by the RSG. This includes approval of fees and subscriptions. The fees payable by RAL and applicants to the scheme are given in [appendix 3](#).

The RSO produces quarterly financial accounts of income and expenditure for the scheme. The scheme is financed from a variety of sources as follows:

a) Local authority subscriptions

The total local authority contribution towards the cost of the scheme will be set by the Regional Steering Group. Local authorities that participate in EMLAS pay an annual subscription that is relative to the estimated number of privately rented properties within their administrative area, set by the RSG. Participating local authorities' sign an agreement with the RSO that commits them to providing financial and operational support for the scheme (See [appendix 1](#)).

b) RAL fee

An administrative fee will be charged for an application to become a RAL. In order to cover the additional operational costs for landlords with larger property portfolios, a supplementary fee, determined by the RSG, is charged. The fees are set within the annual budget.

c) Grants from public bodies

The RSO should seek public funding for the operation of the scheme.

d) Revenue from professional development courses

All landlords are required to attend professional development courses as a condition of becoming accredited. The fees for this and for any other courses provided by EMLAS are set within the annual budget. There is an extra cost to be determined by the RSG to non-accredited landlords for attendance at courses provided by EMLAS.

e) Sponsorship

The RSO should seek additional funding through sponsorship and advertising in order to supplement financing of the scheme.

3.0 Accreditation Requirements

3.1 Landlords' Commitments to the Scheme

A landlord that has been registered as a member of EMLAS is known as a Regional Accredited Landlord (RAL). In order to become a RAL a landlord must:

- sign a declaration that they meet the criteria of being a fit and proper person (see [appendix 2](#))
- attend a training course(s) within a reasonable period of time as specified by the RSO and demonstrate a sufficient level of ability to manage property to the standard required by this accreditation scheme
- provide the RSO with a full list of dwellings owned or managed by them
- enable access to dwellings for the RSO or its agents to carry out verification and compliance checks
- be committed to partnership working with all stakeholders in the PRS
- Either:
 - Ensure that all their properties and management practices meet the requirements of the scheme including compliance with the Code of Management

Or

- Where all of a landlord's dwellings are not fully compliant, apply to the scheme operator for a concession. A Property Improvement Plan (PIP) is then agreed in order to upgrade, within a reasonable timescale, any dwelling that does not meet the requirements of the Scheme. The landlord must also accordingly inform any existing or prospective tenants of this arrangement.

3.2 Making an Application for Membership of EMLAS

Landlords may make an application for membership of EMLAS and pay their membership fee as determined by the RSG. Landlords will provide a list of the properties that they own within the region covered by EMLAS. This information will be contained on a public register and will also be used for the purpose of compliance checking.

3.3 Accrediting landlords

On receipt of an application for accredited landlord status, the RSO will ensure as far as is reasonably practicable, that the landlord is responsible, competent and suitable to be a member of the scheme.

3.4 Register for Public Enquiries

The names of accredited landlords and managing agents are a matter of public record and are available from the RSO. Landlords signing the application form agree to have their name and addresses of properties they own or manage displayed on the RSO's internet website or other stated publicly available records.

3.5 Compliance Checking

On receipt of an application the RSO refers the landlord's details to the local authorities participating in the scheme. The RSO requests that they reply within 15 working days if they are of the opinion that a landlord is not suitable for membership of the scheme. This should be accompanied with evidence as to the reasons why.

3.5.1 The RSO will inspect ten per cent of properties within a Local Authority's district belonging to Landlords applying to become a RAL. As part of the consideration of the application, a

local authority may carry out compliance checks at a proportion, or all, of a landlord's properties (see [4.0 Scheme Regulation](#)). This procedure is at the discretion of the local authority. Similarly the RSO may wish to carry additional checks using its own inspector or an inspector from an agency.

- 3.5.2 Landlords are notified of any compliance visits, prior to them being carried out, in order that they have the option to attend.

3.6 **Property Improvement Plans (PIP)**

If some of a landlord's properties do not meet the full requirements of the scheme at the time of application, then the landlord may include with their application for EMLAS membership, a PIP, providing

- the shortfalls are not significant.
- the shortfalls are remedied within a period of time agreed with the RSO; this is termed a Property Improvement Plan (PIP).
- satisfactory progress with the PIP is regularly reported to the RSO.
- tenants of properties subject to a PIP are advised of the plan that relates to their dwelling.

- 3.6.1 These plans state the properties at which the shortfalls exist, what those shortfalls are, what the proposed remedial works are and their estimated timescales. The RSO will provide advice and assistance for landlords to complete such a plan. The plans are negotiable with the RSO to enable landlords to achieve full compliance within a reasonable timescale.

- 3.6.2 If the PIP is accepted, the landlord's application is accepted with the agreement that the works contained within the plan will be satisfactorily completed within the timescale specified.

- 3.6.3 An RAL who does not fulfil the requirements of their Property Improvement Plan may be subject to regulatory procedures ([4.0 Scheme Regulation](#)).

3.7 **Deferring Application**

Alternatively a landlord and the RSO may agree that the landlord's application is deferred until any necessary improvements are carried out. However, the landlord may prefer to withdraw the application and make a new application at a future date when any necessary improvements have been completed. Whichever option is chosen the RSO will provide assistance and advice where possible to enable the landlord to make a successful application.

3.8 **Exemption Certificates**

There are circumstances, especially with vulnerable tenants, where carrying out works to a property to comply with EMLAS may cause significant distress to tenants and therefore be counter-productive. A typical example is the case of an elderly tenant who does not wish to be disturbed. In this situation the landlord can apply to the RSO for an EMLAS exemption certificate. This will exempt the landlord from the requirements of the scheme that would cause distress if complied with. An exemption certificate may also be given to premises occupied by regulated or controlled tenants.

3.9 **Fit and Proper Person Assessment**

As part of an assessment, or if the RSO thinks it appropriate, a landlord may be asked to provide a copy of a Criminal Record Bureau (CRB) report. These reports indicate whether

or not an individual has a criminal record. A request for the provision of a CRB report is the exception rather than the norm. The RSO may also require the provision of a CRB report as part of the scheme's random checking programme.

- 3.9.1 Landlords can obtain CRB reports from an organisation called 'Disclosure Scotland'. The RSO is not entitled to obtain a CRB report on behalf of landlords. Disclosure Scotland issues certificates, known as "Disclosures", which give details of an individual's criminal convictions or state that they have none. For the purposes of EMLAS the provision of the basic disclosure is satisfactory. There is a charge for the service which is payable by landlords.

The reports can be obtained via their website at www.disclosurescotland.co.uk or through using the following details:

Disclosure Scotland
PO Box 250,
Glasgow
G51 1YU

E-mail info@disclosurescotland.co.uk

Telephone help line 0870 609 6996 (Monday to Friday - 8:00am to 6:00pm)

3.10 Landlords Development

All landlords are required to attend professional development courses as a condition of becoming accredited. Accreditation will only be awarded after the applicant has attended the approved introductory landlord professional development courses and successfully completed an EMLAS compliance ability test. This test is not intended to satisfy the RSO that landlords have an existing level of property management competency, but rather that they have the potential ability to achieve this and have a reasonable ability to comply with the requirements of EMLAS.

- 3.10.1 Applicants may provide other proof of competence to a standard agreed with the RSO.
- 3.10.2 Following the successful fit and proper person assessment procedure the RSO advises the landlord of the dates and venues of the approved professional development courses that are available. The courses are approved by the RSG as satisfying the requirements of EMLAS.
- 3.10.3 The standard introductory course comprises three modules each of which is covered in a half day session:
- Managing a Tenancy
 - Health and Safety Responsibilities
 - Risk Assessment Techniques for Residential Hazards

The course includes a copy of the ANUK/IDeA landlord development manual.

- 3.10.4 Landlords will make their own arrangements to attend an approved course and on completion they provide the RSO with a certificate of attendance and the compliance ability test results.
- 3.10.5 The RSO provides landlords with the option of only taking an EMLAS compliance ability test. The test should enable the RSO to identify any areas of competency landlords may need support with, in order to operate a successful business. If a landlord does not successfully pass the scheme compliance ability test, the RSO will provide help,

assistance and guidance in whatever form possible. This will enable them to improve their knowledge, skills and experience in order to be in a position to pass the test.

3.10.6 The cost of attending the course and taking the compliance ability test is included in the EMLAS membership application fee, set in the annual budget.

3.11 **Continual Professional Development**

After three years landlords are required to undertake a professional development update course that covers new developments in tenancy management and health and safety requirements. Membership of EMLAS will be automatically discontinued unless an accredited landlord supplies a certificate of attendance at an update course within three months of the anniversary of the three-year membership. The RSO monitors the attendance at update courses and sends out reminders to landlords.

3.11.1 Landlords may supply proof of Continual Professional Development (CPD) to the RSO as an alternative to attending an update course. Landlords must attend a minimum of 10 hours relevant CPD per year to satisfy this requirement. The RSO determines what constitutes relevant CPD.

3.11.2 EMLAS will facilitate a range of supplementary professional development courses to suit the demand of accredited landlords.

3.11.3 The introductory courses and any supplementary courses will be available to all landlords within the region, including non-accredited landlords and landlords that are members of a local accreditation scheme within the region.

3.11.4 The costs of the introductory course and the update course are to be set by the RSG.

3.12 **Acceptance of an Application**

Following successful application landlords will be awarded the status of RAL and eligible for all the benefits of being RAL. They will be bound by the conditions of being an RAL. They will be sent a full membership pack and their details are included on the list of registered EMLAS.

3.13 **Refusal of an Application**

The RSO provides landlords who are unsuccessful in their application for membership with the reasons for refusal in writing, together with appropriate advice and assistance for landlords should they wish to make a successful future application. The RSO will provide all applicants refused accreditation with the appeals procedure of the scheme.

3.14 **Benefits of a RAL**

The RSO will develop a range of membership benefits to landlords, which may include those listed below.

- Market advantage when letting
- Personalised RAL certificate
- Credit card sized RAL card.
- Authority to use the EMLAS logo on personal stationery e.g. letterheads
- Scheme advertising posters made available for landlords and managing agents to display on their premises indicating they are RALs
- A '*negotiation first, enforcement last*' procedure operated by participating authorities in respect of their housing health and safety standards enforcement role.
- Details of the scheme are provided on the EMLAS and participating authorities' websites.

- RALs are listed on the EMLAS website.
- Properties to let advertised on the EMLAS or participating authorities websites
- Professional advice for landlords on health and safety, landlord/tenant law and contractual matters.
- Scheme newsletter providing local, regional and national PRS development updates.
- Landlord seminars on essential and useful matters for landlords
- Access and discounts to landlord development courses
- Landlord Fora
- Discounted joining fee for membership of a national landlord association
- Discounts for services and products from a range of suppliers
- Housing Benefit Service enquiries hotline*
- Bond guarantee scheme*
- Tenant referencing scheme*
- Tenancy support scheme*
- Other local benefits

Those benefits marked with an * are dependent on the participating local authority.

3.14.1 Landlords whose application is refused may appeal against the decision using the procedure detailed in [4.0 Scheme Regulation](#) and Appeal Procedures ([appendix 8](#)).

3.15 **Regional Accredited Managing Agents**

Regional Accredited Managing Agents are able to apply for membership of the scheme and become Regionally Accredited Managing Agents (RAMA). They can make a significant contribution to the success of EMLAS because of the large numbers of properties that they have under their control. Accordingly EMLAS places an emphasis on the promotion of the RAMA status in order to encourage prospective tenants to rent properties from a RAMA rather than a non-accredited agent. RAMAs are entitled to use the EMLAS logo in order to achieve this. In order to become a RAMA, managing agents must satisfy the same requirements of the scheme as landlords. All references to a landlord can be read as references to managing agents.

3.16 **Additional requirements for RAMAs**

A managing agent must be a member of a recognised professional scheme for managing or letting agents. This includes ARLA, AMRA, NALS, RICS, NAEA and any other scheme to a similar standard, recognised by the Steering Group.

3.16.1 **Applications**

The application for EMLAS membership is completed by:

- the owner of the agency where it is not a registered company (or one owner where ownership is in more than one name);
- the most appropriate director where the agency is a registered company; or
- the most appropriate partner where the agency is owned by a partnership.

3.17 **Fit and Proper person assessments**

When applications for EMLAS membership are made, the names of all the employees and directors of the RAMA involved with property management are included on the fit and proper person self certification. Additional fit and proper person self-certifications are made to the RSO when new employees join the agency.

3.18 Professional Development

All employees, partners and directors of an agency that have an involvement in property management attend the EMLAS introductory professional development course and pass the EMLAS compliance ability test or otherwise provide proof of competence. The RAMA membership fee is determined by the RSG. A charge will be made for each person within the managing agency that is required to attend the introductory professional development course, take the EMLAS compliance ability test or otherwise provide proof of competence. Those persons identified above must also satisfy the CPD requirement of EMLAS.

3.19 Promotion of Landlord Development

In order to encourage professionalism amongst the landlord clients of managing agents it is a requirement that RAMAs promote attendance at an EMLAS approved introductory professional development course to their landlord clients. The RSO provides the promotional publicity to achieve this.

3.20 Contractual arrangements

Where RAMAs have a clause in their contractual agreement with their landlord clients stating that the landlord retain responsibility for some management and property maintenance/repair functions, there must be a contractual duty to comply with the requirements of EMLAS. Under this arrangement the RAMA will conduct sufficient checks to ensure that a landlord is complying with those requirements of EMLAS that the landlord has taken responsibility for. The RAMA must be able to terminate a contract where such a landlord does not comply with the requirements of the scheme. Where failure to comply with the scheme requirements occurs the RAMA must cease to manage the property and inform the RSO within 10 working days.

3.21 Exemption Certificates

If it is in the interests of tenants that a RAMA continues to manage the property of a non-compliant landlord until the end of the tenancy, then the RAMA may apply to the RSO for an exemption certificate in respect of the landlord's portfolio. The RAMA should provide reasons why the issue of a certificate would be appropriate. When exemption certificates are issued the relevant tenants are given a copy.

3.22 Disciplinary Procedures

Persistent or serious failure to ensure compliance with EMLAS may ultimately result in the accredited agent losing their RAMA status.

3.23 Certified Managing Agents

Managing Agents that are qualified members of established schemes such as
Association of Residential Letting Agents
Association of Managing Agents
RICS
NAEA
NALS

may apply for membership of the RALS. Individuals that have passed certain professional qualifications in respect of management of properties are exempt from the Professional Development Courses required by EMLAS.

4.0 Scheme Regulation

4.1 Regulation

Although EMLAS is self-certifying, there is a system for regulation so that the scheme maintains credibility. Scheme compliance is checked using the following methods:

a) Verification Inspection Property inspections at membership application stage. A Participating Local Authority may inspect none, some or all of the premises of a landlord applying to become a RAL. A Participating Local Authority must inform the RSO of the type and level of checks to be carried out and the criteria for deciding when a check will be made

b) Compliance Inspection Property inspections after successful membership application. A Participating Local Authority may inspect none, some or all of the premises of a RAL. A Participating Local Authority must inform the RSO of the type and level of checks to be carried out and the criteria for deciding when a check will be made

c) Complaint Investigations Property inspections following a complaint from a tenant. The tenant must provide documented proof (usually in writing) that he has brought the matter to the RALs attention and that satisfactory progress has not been made before the complaint can be considered by the RSO.

d) Surveys of tenants The RSO may conduct a survey of tenants. The questionnaires or interviews may ask for information about the condition of the property and associated management practices. The questionnaires provide the opportunity for tenants to say positive things about their accommodation and their landlord in order that a properly balanced picture can be formed of the quality of the landlord's accommodation services.

e) Determining compliance The RSO determines any apparent breaches of EMLAS requirements.

4.2 Sharing Information on Compliance

To provide mutual assistance in the regulation and monitoring of standards, the RSO and participating local authorities maintain close regular liaison and information sharing. The authorities provide the RSO with details of any substandard property or management standards in respect of EMLAS accredited landlords. The RSO provides the local authorities with information on EMLAS landlords who may persistently or seriously breach the requirements of the scheme.

- 4.2.1 The sharing of information between the RSO and local authorities includes positive compliance information about landlords, including complimentary comments made by tenants, so that an accurate picture of landlords' compliance performance can be maintained.

4.3 Tenant's Complaints Procedure

4.3.1 Information for Tenants

A requirement of the scheme is that landlords inform their tenants that they are a member of EMLAS and provide the tenant with a scheme information leaflet (see [appendix 7](#)). Compliance with EMLAS also relies on tenant participation.

4.3.2 Complaints Procedure

RALs are required to have a written procedure for dealing with complaints, which is given to each tenant at the start of the tenancy. The procedure should aim to resolve complaints quickly and fairly, and should clarify:

- the purpose of the complaints procedure
- how the complaint should be made
- how and by whom it will be considered
- how long it is likely to take to resolve a complaint

All complaints should be acknowledged as soon as possible. Guidance on a written complaints procedure can be obtained from the Housing Ombudsman Service (<http://www.ihos.org.uk/>). Where a landlord has few dwellings that they manage themselves, the complaints procedure can be very short and straightforward. Larger organisations and landlords with more dwellings may need to have more stages in a more formal process. The RSO will provide advice on appropriate complaints procedures.

4.3.3 Making a complaint

By being aware of the requirements of EMLAS, tenants may be able to undertake their own compliance check of their accommodation. If tenants identify a possible breach of the scheme, they should inform their landlord in the first instance. In most cases this is expected to result in an agreement for any necessary remedial action.

If a tenant complains to either the RSO or the local authority without first referring their complaint to the landlord, the RSO or local authority should advise the tenant to initially refer their complaint to the landlord. Documented proof of this may be required so a tenant should be advised that this is preferably in writing, a copy may be sent to the participating local authority or RSO.

Where agreement cannot be reached or a landlord fails to remedy a breach of conditions, tenants refer the case to the RSO who will investigate and take action in accordance with the regulatory procedures of the scheme.

- Tenant complaints may be made orally or in writing to the landlord. If they are not resolved by the landlord, and must be considered externally, they must be put in writing.
- However made, complaints should be formally registered by the landlord so their progress can be tracked.
- The complaints procedure should be completed as quickly as possible to minimise the damage to the landlord-tenant relationship.
- Landlords are encouraged to join the Independent Housing Ombudsman Scheme (<http://www.ihos.org.uk/>) in order that any complaints or disputes, which fail to be resolved within the scheme, can be referred to the Ombudsman for his consideration.

4.3.4 Initial Assessment

On receipt of a complaint the RSO makes an initial assessment. The RSO will hear representations by a landlord, tenant or member of the community. If their opinion is that the matter can be easily resolved through informal negotiation with the tenant and landlord, then that course of action is taken.

4.3.5 Referral to Landlord

If the complaint appears to be of a more serious nature then the tenant is advised to complete and return a formal complaint form which is available from the RSO. A copy of the complaint form is sent to the landlord for comments which should be provided within five working days, or within a longer period as may be agreed with the RSO.

4.3.6 **Consideration of Landlord's Representation**

On receipt of all information the RSO may consider whether the dispute can still be resolved through negotiation between the two parties. If this is not believed to be the case the RSO may decide that there is a need to investigate the complaint further, and will arrange for investigation which may require an inspection of the property.

4.4 **Landlord Disputes**

In the event of a landlord-tenant dispute that is a complaint that does not directly relate to property conditions, the RSO will deal with the matter by means which may involve

- conciliation
- mediation
- arbitration
- formal investigation
- referral to another body

4.5 **Breaches of Scheme Requirements**

The possible outcomes of a property inspection check are proportionate to the findings. Following inspection a failure to comply with EMLAS requirements may be determined to be of the following categories;

Minor non-compliance ~ landlords are informed verbally, the issues confirmed in writing and a copy letter kept on file. There is no follow up action as landlords are trusted to remedy any breaches of the scheme.

Moderate non-compliance ~ landlords are informed verbally, the necessary remedial action is confirmed in writing and the case is followed up to ensure that remedial action has been taken. This may require a later inspection to ensure compliance.

Significant non-compliance ~ the same action as described above may be taken, but in addition, other properties owned by the landlord are also inspected. Following this, a decision will be made as to whether a landlord is asked to remedy the shortfalls, or whether the overall level of non-compliance is serious enough for disciplinary action.

Serious non-compliance ~ the same action as described above can be taken in addition to the case being referred for disciplinary action. Serious non-compliance may be due to a RAL persistently failing to comply with the Code of Management or failure to comply after being informed of a breach.

4.6 **Imminent Risk to Health or Safety**

If, on inspection, conditions are identified at a property that present an imminent risk to health and/or safety, and the RSO feels that the landlord may not act sufficiently quickly to remedy the situation, the RSO may refer the case to the enforcement officers of the local authority.

4.7 **Regulatory Action**

If the RSO, following the completion of the investigation, is of the opinion that the complaint is not substantiated, then the complainant will be informed accordingly, together with the reasons for the opinion.

4.8 **Disciplinary Action**

Where there is significant or serious non-compliance either due to a single breach or a series of breaches with the Code of Management the RSO may take disciplinary action against a RAL. Disciplinary action may include:

Written warning	A final warning before further action is taken.
Suspension of Membership	For a stated limited time period or until breaches are remedied.

In both the above cases a clear written statement of what must be done to comply with the scheme requirements and a time for compliance must be given to the landlord in writing.

Removal of Membership	For significant non-compliance with the RAS requirements the RSO may remove the landlord from the scheme and exclude them for a limited period of time or indefinitely. The landlord must be informed of this in writing stating the reasons for the decision, the date the decision was made and the date the removal of membership comes into effect. Landlords who lose their accredited status will no longer be participants of, or eligible for, any of the benefits of the Scheme.
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4.9 **Complaints against the RSO or Participating Local Authorities**

Landlords wishing to make a formal complaint about any aspect of EMLAS should make representations to the RSO in the first instance. The RSO must consider the formal complaint and take appropriate action. The landlord should be informed of the outcome of the consideration, any action taken or to be taken in writing within 28 days. Where agreement cannot be reached and therefore a dispute exists, landlords may refer the matter to the Review Panel for a hearing.

4.10 **Appeals Procedure**

The intention is to resolve complaints as early as possible. The appeals procedure has the following stages:

Stage 1 – RSO

If the complaint cannot be resolved between the parties concerned, it may be referred to the RSO who will consider the case and make recommendations for resolution, in accordance with the Regulatory Procedures in section 4.0. The case can be referred to Stage 2 by any relevant party if not in agreement with the decision of the RSO.

Stage 2 - Review Panel

Any case, regardless of its nature, may be referred to the Review Panel by any relevant party not satisfied with the decision of the RSO.

All parties will have the opportunity to present their case in person and the panel will decide on appropriate course of action. No legal representation is required, however all parties are permitted to bring witnesses to the hearing to support their case. Before the hearing, both parties may provide the RSO with any paperwork supporting their case, in order that copies can be supplied to both parties and to the Review Panel members.

At the hearing, cases may be presented with both parties present. Members of the Review Panel are entitled to cross-examine both parties. Opposing parties are not permitted to cross examine each other but may request clarification, or put questions through the Panel.

Stage 3 - Final Appeal

Complainants not satisfied with the decision of the Review Panel will be entitled to make an appeal against the decision to the Chair of the RSG.

4.11 **The Review Panel**

A landlord or tenant may appeal any decision made by the RSO to the Review Panel to which they will have the opportunity to make representations.

If a complaint is not resolved at previous stages, or if a landlord or tenant is not satisfied with a decision of the RSO they may apply to have a Review Panel Hearing. There are two types of review panel:

- The Full Review Panel
- The Fast Track Review Panel

The complainant may choose which panel to refer their case to on advice from the RSO. Minor issues should be referred to the Fast Track Review Panel, and more complex cases should be referred to the Full Review Panel.

4.11.1 The Fast Track Review Panel is comprised of three persons, one of whom is the Chairperson, one who is a representative of a landlord association, and the third is a representative of the authority in which the property is located that is the subject of the complaint. This is intended to be used for less complicated or serious matters for consideration and can be undertaken by submission of statements, evidence and documents and does not necessarily require a meeting of those involved.

4.11.2 The Full Review Panel comprises seven persons. One of whom is the Chairperson of the RSG. The membership of the Full Review Panel is selected by the Chairperson and is a balanced cross section of representation in order that no particular private rented sector interest group may have an overall influence. The Panel includes a representative of the authority in which the property is located that is the subject of the complaint. The Full Review Panel hearing will take place for more serious or complicated matters, or when an agreement cannot be obtained to have the matter heard by a Fast Track Review Panel.

The procedures for the hearings of a Review Panel Hearing must be reasonable, fair and balanced and are conducted informally.

4.11.3 Review Panel Decisions

The Review Panel may

- uphold,
 - amend,
 - or reverse
- any decision taken by the RSO.

The Review Panel may make a decision based on a majority view.

The Review Panel can direct the RSO or participating Local Authorities or landlords to take such action as is necessary to comply with the Scheme Requirements.

The Review Panel may decide on an appropriate regulatory provision as detailed above or further course of action which may include providing the landlord with the opportunity to carry out any necessary remedial action within a given time.

The result of any disciplinary action will be a matter of public record.

The Review Panel will consider the reinstatement of accreditation status if the landlord is able to demonstrate that following remedial action they are capable of meeting the requirements of the scheme.

The Review Panel must reach a decision as soon as possible then ask the RSO, on their behalf, to notify the landlord and tenant(s) of their decision in writing within 5 working days of reaching that decision.

Important Notes

Disclaimer

The scheme operator reserves the right at any time to amend the content of the Scheme or its operation subject to consultation with the relevant parties.

Adoption of the Regional Landlord Accreditation Scheme and compliance or non-compliance with the provisions of the scheme do not affect the statutory rights of people seeking housing.

Members of the scheme agree to comply with and accept that amendments to the content and or operation of the scheme can be made by the scheme operator subject to consultation with the relevant parties, whereupon members of the scheme will be notified of any changes.

The scheme operator makes no representation nor warrants and no warranty shall be implied that the scheme operator has inspected, approved or, in any way endorsed any particular property or owner. The scheme operator shall not be liable to any person or persons for any information contained in the scheme or supplemental document or reliance upon it or for any loss damage or injury or any disputes proceedings or claims by or between any person or persons (and whether or not including or against the scheme operator) whatsoever or howsoever arising from any information herein contained or any supplemental document.

Licensed HMOs

In the case of licensed HMOs, where an HMO licence includes a particular condition that is different to a requirement of this accreditation scheme, then compliance with the HMO licence condition will take precedence.

Local Accreditation Schemes

In cases where a property is covered by a local landlord accreditation scheme and a particular requirement of the local scheme is of a higher standard than the regional scheme, then the local scheme requirement will take precedence.

Statutory Obligations

Signatories to the Scheme must ensure that in addition to complying with the requirements of the Scheme, they also comply with their legal obligations.

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5.0 APPENDICES

- Appendix 1 EMLAS / Local Authority Partnership Agreement
- Appendix 2 Accreditation Requirements
- Appendix 3 Fee Structure
- Appendix 4 EMLAS Training Syllabus
- Appendix 5 Code of Management
- Appendix 6 Property Standards
- Appendix 7 Information for Tenants
- Appendix 8 Map of the East Midlands Region
- Appendix 9 Local Authorities in the Region

Appendix 1 EMLAS/LOCAL AUTHORITY PARTNERSHIP AGREEMENT

This authority, _____, commits itself to making the contributions listed below towards the operation of the East Midlands Landlord Accreditation Scheme.

In signing this agreement this authority is committing itself to partnership with the scheme, having a share in the responsibility for its successful operation and complying with the conditions of the agreement as detailed below:

This authority agrees to comply with the conditions of the partnership agreement. These are that this participating authority shall:

1. Publicise and promote EMLAS to all the landlords and managing agents within their administrative area and to include:
 - Sending out in electronic and hard copy form, the publicity material that the EMLAS scheme operator will provide, to the landlords and managing agents that this authority has on its databases.
 - Requesting the agreement of landlords to allow the authority to provide the EMLAS scheme operator with the landlords' details so that the scheme operator can periodically provide landlords directly with further publicity material about the EMLAS.
 - Promoting EMLAS at landlord fora.
 - Arranging for the EMLAS operator to speak directly to meetings of officers of the Departments and sections within this authority that have regular communication and involvement with landlords in order to explain how the scheme operates, provide officers with the means to publicise the scheme and generally encourage officers to promote EMLAS.
 - Providing details of EMLAS on this authority's website and maintain a direct link to the EMLAS website.
2. Provide financial support for EMLAS by payment of an annual subscription. The total annual subscription paid by all the participating authorities is determined by the annual budget approved by the RSG. The size of the subscription paid by this authority is in relation to the number of privately rented properties within this authority compared with the total number within the region.
The division of responsibilities between the participating Local Authority and the Scheme Operator will be taken into account in determining the contribution. The division of responsibilities and the contribution is to be set out in a schedule to this agreement.
3. To provide a representative to sit on the regional steering group.
4. Arrange for the RSO to periodically speak to officers of the Departments and sections that have regular communication and involvement with landlords in order to explain how the scheme operates. Provide officers with the means to publicise the scheme and generally inspire, stimulate and motivate officers of the Local Authority to promote EMLAS.

5. Recommendations will be made to include a clear statement within this authority's housing strategy that:
 - this authority corporately supports EMLAS,
 - the resources necessary to do so will be provided
 - the partnership agreement between this authority and EMLAS will be complied with
 - all Departments and sections within this authority will carry out the activities necessary for the scheme to operate efficiently, effectively and successfully
6. Liaise with EMLAS scheme operator and, in compliance with the Data Protection Act, exchange all necessary information to ensure that compliance with EMLAS is properly monitored.
7. Carry out inspections at properties covered by EMLAS or owned by landlords who have made an application to join the scheme. Participating Local authorities have the discretion to inspect
 - none
 - any proportion or
 - all of the properties covered by the scheme or the subject of a membership application.

This authority will declare what proportion of premises they will inspect for verification or compliance with the schemes requirements and their criteria for choosing premises for inspection. The authority or the RSO will make this information available to landlords.

As far as possible comply with any reasonable request of EMLAS to carry out inspections as part scheme compliance-checking programme.

8. Refer to the EMLAS register of RALs and premises to check whether privately rented properties are owned by an EMLAS landlord before officers visit them. This being the case, the officers will carry out a simple prescribed EMLAS compliance check at the time of the visit and report the findings to the EMLAS scheme operator, unless there is good cause to take immediate enforcement action.
9. Adopt an enforcement policy that will permit EMLAS scheme operator to require the landlord to carry out any works necessary to comply with the requirements of the scheme rather than this authority taking enforcement action in the first instance. Cases of non-compliance will be referred back to this authority for any necessary action.
10. Notify the scheme operator of the action and the outcome when it was appropriate for this authority to initiate enforcement action against an EMLAS landlord without firstly referring the case to the EMLAS scheme operator.
11. Refer to the EMLAS scheme operator any complaints of non-compliance with the scheme.
12. Inform the EMLAS scheme operator of any breaches of this authority's local accreditation scheme.
13. Respond to the EMLAS scheme operator within 15 working days, with reasons and evidence, if this authority is of the opinion that a landlord applying to become does not comply with the scheme's fit and proper person criteria.
14. Provide a representative to sit on the scheme's Fast Track or Full Review Panel in cases of disciplinary action being taken against an EMLAS landlord that involves a property situated within this authority's area.

15. Provide incentives to membership of EMLAS benefits and contribute to the provision and maintenance of region wide incentives.
16. A PLA can leave the scheme at the end of a financial year but must give at least six months notice in writing to the RSG.

Signed Dated

Designated Officer of Local Authority

.....
Position Held

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Appendix 2 APPLICATION FORM FOR MEMBERSHIP

Landlords accepted into the scheme have the title of Regional Accredited Landlords (RAL).
Managing agent members have the title of Regional Accredited Managing Agent (RAMA).

Please complete all of the following questions and return to:

Decent and Safe Homes East Midlands
Bio House
Derwent Street
Derby
DE1 2ED

I wish to apply for membership of the scheme as a Regional Accredited Landlord / Regional Accredited Managing Agent *(Please delete as appropriate)*

Applications from landlords or agents operating as a sole trader must be in the name of the owner of the business. If the business is in joint ownership only one of the owners needs to make the application. This is on the understanding that the other joint owner(s) agrees to comply with the requirements of the scheme.

Applications from landlords or agents operating as a company, a partnership or a trust are in the name of the company, partnership or trust and signed by one of the directors, partners or trustees, and the most senior where appropriate. This is on the understanding that the other directors, partners or trustees agree to comply with the requirements of the scheme.

Applicants Details

Is your business (a) a company (b) a partnership (c) a trust (d) sole trader
(Please delete as appropriate)

Title: _____ First Name(s): _____ Last Name: _____

Trading as (if appropriate): _____

Address for correspondence: _____

Telephone Number: _____ Mobile Number: _____

E-Mail Address: _____

If you are not a sole trader are you (a) a director (b) a partner (c) a trustee
(Please delete as appropriate)

If not a sole trader please provide the names of the other joint owners, directors, partners or trustees.

FIRST NAMES	SURNAME	ADDRESS

Use additional sheets if necessary

Compliance Declaration

I declare that:

- I have read and understood the East Midlands Regional Landlord Accreditation Scheme for Private Rented Housing and that all properties under my ownership or control (or that of the managing agent) that are let to tenants whilst I hold membership of the East Midlands Regional Landlord Accreditation Scheme meet the terms and conditions of the scheme subject to any Property Improvement Plan agreed by the scheme operator.
- My conduct (and/or that of the managing agent) will be in accordance with the provisions of the Scheme and, subject to my rights of appeal, I will recognise the authority of a Scheme Review Panel and comply with its decisions.
- I acknowledge the scheme operator's rights over the EMLAS Logo
- *(Delete if not appropriate)* I am signing this declaration of behalf of myself and all other owners/directors/partners/trustees and in doing so I am accepting responsibility on behalf of others for ensuring compliance with the requirements of the Regional Landlord Accreditation Scheme.

Fit and Proper Person Declaration

All owners, directors, partners, trustees and employees of the agency who have an active involvement in the management of properties under the control of the agency are required to sign the following fit and proper person declaration.

- I have not 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 not practised 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;
- I have not contravened any provision of the law relating to housing or of landlord and tenant law.

- If requested, and with the assistance of, I will provide the scheme operator with a copy of a Criminal Record Bureau report as part of the process of satisfying the 'fit and proper person' requirement of the scheme.

NAME	SIGNATURE	ROLE	DATE

 **STATUTORY DECLARATION FOR RELEASE OF INFORMATION**
(To be completed by the Applicant)

All information provided will be treated in confidence and in accordance with the Data Protection Act 1998. It will only be used for the purposes of the East Midlands Landlord Accreditation Scheme.

The Regional Scheme Operator may have to share and/or check your information with other agencies including the Police, Fire & Rescue Service, Office of Fair Trading, local authorities and other relevant departments within a Council, for example Council Tax, Revenues and Benefits and Debtors.

Please sign and date the declaration below in order for us to progress your application.

I, as the proposed Accredited Landlord, hereby authorise any statutory body holding information about me, which falls within the categories above, to provide this information on request by the Scheme Operator.

I authorise the public disclosure of my name as a member of the Scheme

Name: (please print)

Signature:

Date:

To the best of my knowledge and belief the information in the application is correct

Signed: _____ Date: _____

Property Declaration

- All the properties that I own in the region are listed on the attached property portfolio list

PROPERTY PORTFOLIO LIST		
Property Address	Indicate with an X if the property is licensed or an application is pending	Local authority in which the property is situated

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Appendix 3 FEE STRUCTURE

Administration Fee

An administration fee of **£25** will be charged to all member landlords.

Landlord Development

Half Day Training Course	£35
Full Day Training Course	£65

The above fees include materials

Membership Fee

In addition a fee is charged on the following scale for the properties owned or managed by a landlord or agent.

Landlord Fee:

<u>Properties owned in the region</u>	<u>Fee</u>
1 – 5	Nil
6 – 10	£25
11 – 20	£50
21 – 30	£75
30+	£100

Managing Agents Fee:

<u>Number of properties managed</u>	<u>Supplementary fee</u>
1 - 5	NIL
6 – 10	£25
11 – 20	£50
21 – 30	£75
31 - 50	£100
51 – 100	£150
101 – 200	£200
201 – 300	£250
301 – 400	£300
Each additional 100 properties	add £50

Membership and administration fees are payable every three years.

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Appendix 4 EMLAS TRAINING SYLLABUS

One day landlord professional development course

Purpose of the Course

1. To provide awareness of a landlord's basic legal obligations for health and safety
2. To explain the legal requirements for managing a tenancy
3. To ensure the landlord is capable of complying with the schemes requirements

Details of the course material are contained within the ANUK/IDEA landlord development manual that is provided to course delegates. The course can only raise awareness and provide entry level knowledge of the knowledge and skills necessary to be a good and responsible landlord. Accredited landlords are expected to undertake their own professional development following successful completion of this course.

References for further reading are given to enable landlords to do this.

The RSO will provide further information and relevant courses to assist Landlords in their development.

Landlords are advised to join a Landlords Association to assist in the management of their properties.

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Appendix 5 CODE OF MANAGEMENT REQUIREMENTS OF THE LANDLORD ACCREDITATION SCHEME

Marketing – Commencement of Tenancy

Landlords will ensure that the following requirements are complied with

Contractual Terms	<p>Prospective tenants are provided with a copy of any contractual terms under which a property is offered. Such terms are to include details of any fees payable in addition to rent and any arrangements involving tenants' guarantors. Potential tenants should be allowed at least 24 hours, if requested, to consider and/or seek independent advice regarding those contractual terms.</p> <p>Landlords use a government approved national tenancy deposit protection scheme if a deposit is required.</p> <p>A returnable deposit is only received prior to the signing and completion of a letting agreement if the accommodation is reserved for an agreed specified period, for which a receipt must be given.</p> <p>Existing tenants are provided with a EMLAS information leaflet and new tenants are provided with same at the time of signing a new tenancy agreement.</p>
Utility Charges (Gas, Electricity, Telephone)	<p>The tenant is clearly informed as to who is responsible for the payment of all utility charges and Council Tax and that this responsibility is accurately stated in the terms of the letting agreement.</p>
Other Service Charges	<p>Where any service charges are levied by the landlord, such services and charges, and the method of arriving at such charges, are properly specified and detailed in the letting contract.</p>
Operating Procedures	<p>On request, at the commencement of their tenancy, tenants are provided with information on the landlord's standard operating procedures.</p> <p>Landlords must have a written complaints procedure which is given to tenants at the commencement of the tenancy.</p>
Accounts and Receipts	<p>Where transactions by Bank transfer are made and where requested by a tenant, a statement will be provided to the tenant at least annually for all monies demanded whether for rent, deposit, utility or service charge. Where transactions are undertaken in cash or cheque a written receipt will always be provided by the landlord.</p>
Letting Agreements	<p>There is a proper written tenancy agreement.</p> <p>Prospective tenants are issued with a clear statement of the rent due to be paid during the contract, including the dates, amounts and method of payment.</p> <p>The name and current business address of the landlord is stated on the agreement together with the address and telephone numbers of any managing agent or person/s acting on behalf of the landlord.</p> <p>Letting agreements are written in clear legible English containing no contractual terms in conflict with any statutory or common law</p>

	<p>entitlement of the tenant or the terms of this Scheme.</p> <p>Where a fee is charged for arranging a letting agreement, prospective tenants should be clearly informed of this in advance.</p>
Inventory	<p>An inventory, based on current good practice, is agreed with the tenant and signed by both parties as being accurate.</p> <p>The scheme operator will provide advice on good practice in managing inventories if requested.</p>
Anti Social Behaviour	<p>Where the letting agreement includes a clause requiring the tenant not to cause a nuisance or annoyance, the landlord will use reasonable endeavours to achieve compliance. The scheme operator will provide advice to the landlord.</p> <p>Court proceedings for possession will be a last resort.</p>
Pre-tenancy Repairs etc.	<p>At the commencement of the tenancy or other date mutually agreed with the tenants, all obligations on the part of the landlord in regard to the repairs, dwelling maintenance and the PIP have been fully discharged.</p> <p>New tenants are provided with details of the PIP where the dwelling is subject to one as part of the landlords working towards full accreditation.</p> <p>Any agreed pre-tenancy repairs or any intentions on the part of the landlord to undertake upgrading should be confirmed in writing.</p>

During the Tenancy

Landlords will ensure that the following requirements will be complied with

Licensing	<p>They have made application for an HMO licence for all of their licensable HMOs and for all properties that may be located within a selective licensing area, and that those properties meet or will comply with licence conditions within agreed timescales.</p>
Ensuring Possession	<p>Correct notice for possession has been served on current tenants so that new tenancies do not commence until the existing one has finished.</p>
Access	<p>Where access is required for routine inspection/s or viewings, the tenants receive notification of the date, time and purpose of the visit not less than 24 hours in advance, unless otherwise agreed.</p> <p>Tenants' privacy and entitlement to unnecessary intrusion is respected.</p>
Conduct	<p>Business is pursued by the landlord in a professional, courteous and diligent manner at all times. The landlord does not act in such a manner that brings EMLAS into disrepute.</p>
Scheme Awareness	<p>If requested, tenants are given a copy of the Scheme guidelines at the start of their tenancy. Sufficient copies will be provided by the RSO.</p>

<p>Repairs and Maintenance</p>	<p>All dwellings are maintained in a satisfactory state of repair.</p> <p>Decorative finishes for which landlords have responsibility are made good within a reasonable timescale if damaged or disturbed during repairs.</p> <p>Tenants are provided with a point of contact in case of emergency.</p> <p>The following standards should be achieved:</p> <p>Priority One - Emergency Repairs: any repairs required in order to avoid an imminent danger to health, risk to the safety of residents or serious damage to buildings or internal contents should be resolved within 24 hours of report of defect. In circumstances where this is not practicable, landlords will make best temporary arrangements.</p> <p>Priority Two - Urgent Repairs: repairs to defects, which materially affect the comfort or convenience of the residents should be resolved within five working days of report of defect.</p> <p>Priority Three - Non Urgent day to day repairs: reactive repairs not falling within the above categories should be resolved within 28 working days of report of defect.</p> <p>With the exception of Emergency Repairs, the date on which the repair was reported to the landlord in writing shall be the start date for the repairs completion timescale.</p>
<p>Planned Programmes of Repair/Improvement and Cyclical Repairs</p>	<p>Maintenance and Servicing tasks which can be carried out in a planned and cyclical manner and which are the responsibility of the landlord, are carried out with due regard to the convenience of tenants.</p> <p>With the exception of emergencies, tenants will be notified at least 24 hours prior to attendance by contractors or others to undertake repairs.</p>
<p>Visual Appearance</p>	<p>Within the landlord's responsibilities and reasonable endeavours the visual appearance of dwellings, outbuildings, gardens, yards and boundaries are maintained in a reasonable state so as not to detract from the visual amenity of the area</p>
<p>Furniture and Storage Space</p>	<p>All furnishings and furniture provided by the landlord are in satisfactory condition at the commencement of the tenancy and comply as appropriate with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended).</p>
<p>Kitchen Facilities</p>	<p>Each kitchen contains reasonably modern and hygienic facilities for the storage, preparation and cooking of food which are suitable for the number of occupants using the kitchen, unless provided by the tenant.</p>
<p>Toilet and Personal Washing Facilities</p>	<p>An adequate number of suitably located, reasonably modern and hygienic W.C.s, baths and/or showers and washbasins are provided with constant hot and cold water supplies as appropriate, which are suitable for the number of occupants, as required by any relevant legislation.</p>
<p>Overcrowding</p>	<p>Dwellings are not knowingly overcrowded.</p>

Health & Safety

Landlords will ensure that the following requirements will be complied with:

Freedom from Hazards	Properties and boundaries are maintained, as reasonably practicable, free of any avoidable or unnecessary hazards as defined in the HHSRS and there are no known Category 1 hazards.
Gas Appliances and Supply	<p>All means of use and supply of mains gas and alterations and repairs to gas installations shall comply with current Gas Safety (Installation and Use) Regulations.</p> <p>Documentation giving verification of annual gas safety checks by a CORGI registered gas installer will be provided to tenants (or put on display in the dwelling) and made available to the RSO.</p> <p>Clear written instructions in the safe use of all central heating and hot water systems are provided.</p>
Liquefied Gas, Paraffin Heaters and Other Appliances	<p>Portable bottled gas or paraffin heaters will not be provided as a heating source.</p> <p>Oil fired heating systems are serviced in accordance with the manufacturer's recommendations.</p>
Electrical Installations and Appliances	<p>All electrical installations provided by the landlord are certified as safe by a competent electrician in accordance with the current relevant legislation. It is recommended that a document of verification is obtained showing that the electrical wiring of the dwellings is in a safe and satisfactory condition, and stipulating the timescale within which the next safety check should be carried out.</p> <p>All components used in electrical wiring installations and repairs comply with the relevant International Standards and all appliances will be installed in accordance with Manufacturers instructions.</p> <p>Reasonable steps are taken to ensure that all electrical appliances provided by the landlord under the terms of the tenancy are functioning effectively, in accordance with manufacturers' operational limits, and in a safe manner. Portable Appliance Testing (PAT) would be one satisfactory method of ensuring this.</p> <p>Appliances are regularly visually inspected for wear and tear and any defects remedied.</p> <p>Instructions in the safe use of all electrical appliances (including cookers, space and water heaters, refrigerators and freezers) will be given upon request.</p>
Lighting and Ventilation	All dwellings are provided with adequate natural and artificial lighting and ventilation.
Space Heating and Energy Efficiency	Dwellings are provided with a suitable space heating system that is capable of providing an adequate degree of thermal comfort throughout the premises.

	<p>All dwellings are provided with a reasonable level of energy efficiency measures and to include as a minimum hot water tank and exposed pipe lagging and insulation to roof void areas.</p> <p>Tenants are given advice upon request, or given contact details of an appropriate advisory agency, on how best to heat their accommodation and use hot water in an energy efficient way using the facilities provided. The RSO will assist with the provision of such information.</p> <p>Energy efficiency improvements are incorporated, where practicable, into refurbishment schemes</p>
Internal Layout	<p>They do not let dwellings, or parts of, if the layout is likely to be prejudicial to the health, safety or well being of the tenants, or otherwise not reasonably suitable for occupation.</p> <p>Rooms have an adequate floor to ceiling height.</p>
Fire Safety	<p>Fire safety risk assessments are carried out at all single - and multiple - occupation properties, and any appropriate precautions are installed (see appendix 6).</p> <p>Tenants are informed of their responsibilities and proper use of the alarm system.</p> <p>Clear guidance on fire safety will be provided to residents at the commencement of the tenancy or the tenants are given contact details of a suitable advisory agency. The necessary information will be provided to the landlord by the RSO.</p>
Security Measures	<p>Dwellings are provided with sufficient security measures to ensure that they are, as reasonably as practicable, safe from entry by intruders (see appendix 6).</p>
Hygiene and Waste Disposal	<p>All dwellings are capable of being maintained in a clean and hygienic condition and are provided with sufficient facilities to avoid accumulations of waste (see appendix 6).</p>

At the End of the Tenancy

Landlords will ensure that the following requirements are complied with

Tenancy Deposits	Tenancy deposits are returned in accordance with any agreements and the requirements of the tenancy deposit protection scheme in operation.
Cleaning	Tenants are issued with clear written guidelines regarding the standard of cleaning and other arrangements for bringing the tenancy to an end, so as to avoid misunderstandings regarding the standard of cleanliness and condition of the dwelling expected at the end of the tenancy.

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Appendix 6 - PROPERTY STANDARDS

Landlords are required to satisfy the RSO that they are able to identify and eliminate the most common unacceptable hazards in their properties. This appendix is a guide to the hazards and serves only as an introduction. It also provides an indication as to what standards are expected for fire safety, security, and hygiene and waste disposal in a property that is managed well

Housing Health and Safety Rating System (HHSRS)

The HHSRS is a method of risk assessing hazards that may be found in residential accommodation. Landlords should ensure that their properties and boundaries are maintained, as reasonably practicable, free of any avoidable or unnecessary hazards as listed in the table below.

There should be no known Category 1 hazards. These are serious hazards for which local authorities must require appropriate remedial action.

PHYSIOLOGICAL	PSYCHOLOGICAL	INFECTION	ACCIDENTS
Damp & Mould Growth	Crowding and Space	Domestic Hygiene, Pests & Refuse	Falling Between Levels
Excess Cold	Lighting	Personal Hygiene Sanitation & Drainage	Falls Associated with Baths etc
Excess Heat	Noise	Food Safety	Falling on Level Surfaces
Volatile Organic Compounds	Entry by Intruders	Water Supply	Falling on Stairs
Biocides			Electrical Hazards
Lead			Flames, Hot Surfaces
Asbestos & Manufactured Mineral Fibres			Structural Collapse and Falling Elements
Carbon Monoxide & Fuel Combustion Products			Position and Operability of Amenities
Uncombusted Fuel Gas			Fire
Radiation			Explosions
			Collision and Entrapment

Fire Safety Precautions

Fire precautions may typically include:

- A fire escape route with a minimum of 30 minutes fire resistance
- An automatic fire alarm system
- An emergency lighting system sited to protect the route of escape
- Whole stair lighting, where one switch illuminates all the lights in the stair
- Fire escape windows
- Fire extinguishers

The minimum fire safety requirement for any property is the provision of an interlinked fire detection system with detectors that comply with BS 5446 Part 1 and sited to protect the route of

escape in case of fire. Such systems should be properly maintained in accordance with the manufacturer's instructions.

Fire alarm and emergency lighting systems should be properly checked and maintained by a competent approved electrician, not less than every 12 months, and that inspection certificates should be provided and retained.

All exit routes within a dwelling such as hallways, landings and staircases, so far as they are under the control of the landlord and as far as reasonably practical, should be maintained safe, unobstructed and free of fixtures and fittings to enable evacuation of the dwelling in the event of fire.

Security Measures

Landlords should consider and implement where appropriate, measures recommended by local Police Authority backed Crime Prevention initiatives.

External doors and frames should be secure and fitted with a secure locking system.

In high risk Houses in Multiple Occupation, to help avoid delay in escaping in case of fire, all accommodation doors, final exit doors and any other doors through which a person may have to pass should be so fastened and maintained that they can be easily and immediately opened from the inside without the use of a key

Ground floor and upper storey windows accessible from ground level should be of sound construction and resistant against unauthorised entry.

If present, burglar alarm systems should have a 20 minute cut out and a key holder nominated to the local authority.

Hygiene and Waste Disposal

All facilities for the storage, preparation and cooking of food should be capable of being readily cleaned and being maintained in a clean and hygienic state by the tenants.

All floor coverings in kitchens, bathrooms and W.C's should be capable of being readily cleaned with suitable domestic disinfectant products.

All dwellings should be provided with suitable refuse disposal facilities sufficient for the number of occupants, as advised by the local authority's waste collection service.

Landlords should inform tenants of the need for proper refuse management.

All appropriate steps should be taken to enforce all tenancy agreement clauses relating to proper refuse disposal.

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Appendix 7 INFORMATION FOR TENANTS

What is this scheme?

The scheme provides privately rented accommodation that is in good condition, well managed and considers the welfare of tenants. Accommodation is provided by good landlords who are committed to providing good quality services.

The scheme covers the region illustrated on the rear of this leaflet.

How does the scheme operate?

Landlords agree to comply with strict rules about healthy, safe property conditions, good management practices and good relations with tenants.

The scheme operator and local authorities check compliance with the rules.

Landlords who fail to comply are removed from the scheme.

Where do I get information about the scheme?

Full details of the scheme are available at www.emlas.org.uk

If you want to be sent a brochure about the scheme please telephone the scheme operator at: 01332 256475 or e-mail dash@derby.gov.uk or write to

Decent & Safe Homes
Floor Bio House
Derwent Street
Derby
DE1 2ED

What happens if I have a problem with accommodation covered by the scheme?

Tenants first raise their concern with their landlord. The landlord should remedy any defect. As evidence of this may be required it is advisable to put this in writing. If the defect is not remedied, tenants refer their problem to the scheme operator who will attempt to resolve the dispute.

If the tenant is not satisfied with the RSO decision they may refer the matter to a Review Panel. Details are available from the RSO

How do I find a property to rent that is covered by the scheme?

Properties covered by the scheme and available to rent can be located through:

- the scheme website
- accredited managing agents - look for the accredited agent logo (*SHOW*)
- through letting agents dealing with accredited landlord clients
- direct contact with accredited landlords

How do I know if a landlord is accredited?

Ask the landlord to show you their accreditation scheme membership card.

If you have any doubts then contact the scheme operator (*contact details*) who will confirm whether the landlord is accredited.

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Appendix 8 MAP OF THE EAST MIDLANDS REGION



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Appendix 9 LOCAL AUTHORITIES IN THE REGION

East Midlands Local Authorities

Participating

Unitary Authorities (4)

Derby City Council
Leicester City Council
Nottingham City Council
Rutland County Council

County

Derbyshire (8)

District Authority

Amber Valley
Bolsover
Chesterfield
Derbyshire Dales
Erewash
High Peak
North East Derbyshire
South Derbyshire

Leicestershire (7)

Blaby
Charnwood
Harborough
Hinckley and Bosworth
Melton
North West Leicestershire
Oadby and Wigston

Lincolnshire (7)

Boston
East Lindsey
Lincoln
North Kesteven
South Holland
South Kesteven
West Lindsey

Northamptonshire (7)

Corby
Daventry
East Northamptonshire
Kettering
Northampton
South Northamptonshire
Wellingborough

Nottinghamshire (7)

Ashfield
Bassetlaw
Broxtowe
Gedling
Mansfield
Newark and Sherwood
Rushcliffe

40 Local Authorities

6.0 Glossary

AGM	Annual General Meeting
ANUK	Accreditation Network United Kingdom
CC	Consultative Committee
CoM	Committee of Management
CRB	Criminal Record Bureau
EMLAS	East Midlands Landlord Accreditation Scheme
HHSRS	Housing Health and Safety Rating System
HMO	House in Multiple Occupation
HA	Host Authority
PIP	Property Improvement Plan
PLA	Participating Local Authority
PRS	Private Rented Sector
RAL	Regional Accredited Landlord
RAMA	Regional Accredited Managing Agent
RSG	Regional Steering Group
RSO	Regional Scheme Operator

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