

Landlords' Charter

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Derby City Council

Derby City Council's Private Landlord's Charter

Derby City Council recognises the valuable contribution that private landlords make to housing provision across the city. We acknowledge that most landlords and agents provide a high standard of accommodation for their tenants.

However, some landlords may not be fully aware of the standards their properties must meet to ensure that the homes they rent are free from unacceptable hazards.

This document, to be known as Derby City Council's Private Landlords' Charter, has been created to support both existing landlords and those considering becoming landlords.

The charter's purpose is to help landlords better understand their responsibilities and ensure that tenants are provided with safe, well-maintained and suitable accommodation.



Tenancy Management & Professional Conduct

Legal Obligations

Transparency & Fair Contracts

The landlord will:

- Provide a clear, written tenancy agreement before the tenancy begins
- Ensure this agreement outlines the rights and responsibilities of both parties
- Make sure the agreement is free of any unfair clauses
- Ensure that all agreements are in line with the Government approved wording
- Provide a written statement of terms to each tenant before entering into a tenancy. This will usually be contained in the draft assured periodic tenancy agreement you give your tenants to read and sign.

  For more information, please visit: Assured periodic tenancies: a guide for landlords: Written information you need to give to your tenant - GOV.UK

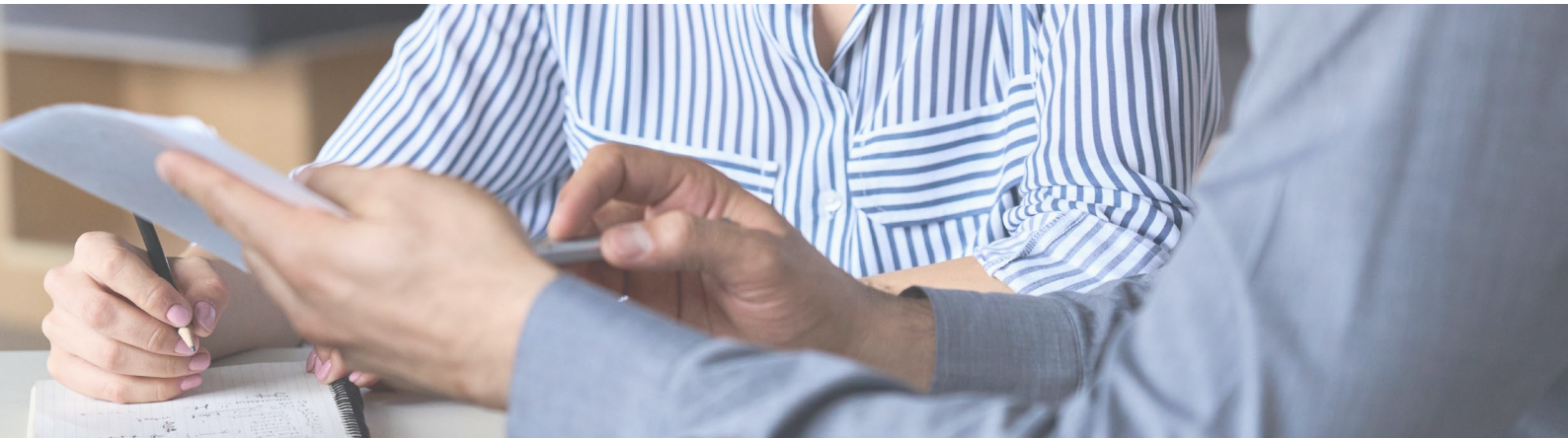
Deposit Protection:

Where taken, the landlord will:

- Protect the tenant's deposit in a government-approved tenancy deposit scheme
- Make sure the deposit is protected within 30 days of receiving it
- Provide the tenant with the required information about the scheme

Obtaining access to the property:

- Provide tenants with at least 24 hours' written notice before any non-emergency property visit, to respect their right to privacy and quiet enjoyment of the home



Certificates

Legal Obligations

To prove a property is safe and legally compliant, a landlord must provide the following valid certifcates to their tenants and to the council upon request.

- **Electrical Installation Condition Report (EICR):** An EICR must be obtained every 5 years from a qualified electrician

- **Gas Safety:** A valid Gas Safety Certificate must be obtained annually from a Gas Safe registered engineer

- **Energy Performance Certificate (EPC):** An EPC, which rates the property's energy efficiency from A to G, must be provided to tenants at the start of a tenancy. All properties must now have a minimum rating of E, unless a valid exemption has been registered. *Please note this minimum rating is likely to change in the future and landlords are advised to seek professional advice on how to improve their EPC ratings as soon as possible.*

- **Fire & CO Alarms:** Landlords must install a **smoke alarm** on **every storey** of the property and a **carbon monoxide alarm** in any room with a fixed combustion appliance (except for gas cookers). For more complex properties please refer to the LACoRS fire guidance

- **House in Multiple Occupation (HMO):**

  - Landlords who let out shared accommodation must check to see if they are required, by law, to obtain a license for each property

  - Landlords of **all** shared houses, regardless of how big it is, must adhere to the Management Regulations which ensure the property is managed to a good standard. The manager must ensure that common parts, fixtures, fittings and appliances are well maintained, in good repair and clean condition.

  'Fit and Proper Person' Status: Landlords of Housing in Multiple Occupation must demonstrate that they are a 'fit and proper person' to hold a license.

  For more information, please visit:
  The Management of Houses in Multiple Occupation (England) Regulations 2006

Health and Safety Standards

All rented properties must be free from avoidable hazards that pose significant risk to tenants.

Councils use the Housing Health and Safety Rating System (HHSRS) to assess the condition of properties. Please visit Housing health and safety rating system (HHSRS): Guidance for landlords and property-related professionals - GOV.UK

The system identifies **a list of hazards** which are rated on a scale of risk.

Health and Safety Standards

HHSRS and Property Condition

The primary objective is to ensure the property is free as far as is possible from hazards, especially Category 1 hazards, which are considered the most serious. Councils have a legal duty to take action on these.

- **Category 1 High Risk Hazards:** These pose a **significant** risk of harm to the occupant
- **Category 2 Moderate and Low Risk Hazards:** These are less serious risks that do not require mandatory council intervention, but local authorities still have the power to take action. Examples include very minor noise pollution, or minor electrical hazards. However, it is worth nothing that the presence of Category 2 hazards is cumulative i.e. a number of Category 2 hazards may present an overall risk to health that is just as serious as a Category 1 hazard and the Council take this very seriously.

Baseline Indicators

HHSRS includes baseline indicators to help identify the features and conditions generally expected in a safer home.

Landlords can use the baseline indicators as a practical reference point when inspecting and maintaining their properties. They can help landlords spot where something may need attention before it develops into a more significant hazard.

The baseline indicators are **not** a pass/fail checklist and do not replace a formal HHSRS assessment by a competent officer. However, using them alongside regular property inspections and good maintenance can help landlords identify potential problems early and prioritise improvements.

HHSRS Landlord Checklist: NEW HHSRS Landlord Checklist

Damp & Mould

Damp and mould effects health by damaging the lungs, airways, skin, and eyes. In severe cases, long-term exposure can lead to serious illness or even death. Preventing damp and mould is essential for protecting the health of tenants.

All landlords must ensure their properties are free from:



- Rising or penetrating damp
- Significant condensation
- Significant mould growth

Landlords must also avoid blaming the tenant's lifestyle when investigating damp and mould complaints.

Health and Safety Standards

Excess Cold

Living in cold homes increases the risk of respiratory disease, cardiovascular illness, and hypothermia, particularly for children, older adults, and those with existing health conditions. Adequate heating and insulation are essential to ensure safe and healthy living conditions.

All landlords must ensure their properties have:



- adequate, properly installed, heating systems that extend to the whole of the dwelling and can be run at a reasonable cost
- heating systems that are properly maintained throughout the tenancy
- heating systems that are controllable by the tenants
- adequate thermal insulation to the roof space (275mm to comply with Building Regulations), and to walls and floors to minimise heat loss
- adequate draught proofing to doors and windows

Gas Safety, Carbon Monoxide and Fuel Combustion Products

Gas leaks, carbon monoxide, and other combustion products can cause poisoning, brain damage, or death. Regular checks and proper detectors are essential to protect occupants from invisible and potentially fatal hazards.

All landlords must ensure their properties have:



- a gas safe certificate, in accordance with the current Gas Safety (Installation and Use) Regulations 1998
- a carbon monoxide detector in the same room as any solid fuel burning appliance (except a gas cooker), in accordance with British Standard EN 50292:2013

Electrical Safety

Unsafe electrical installations can cause shocks, burns, or fires. Modern, tested systems reduce the risk of injury and provide the necessary capacity for safe everyday living.

All landlords must ensure their properties have:



- a safe and modern electrical installation
- the electrical system inspected every 5 years and obtain an Electrical Installation Condition Report (EICR)
- a sufficient number of double socket outlets in each room for modern living i.e. tenants should not have to rely on extension cables, adaptors or have incoveniently located sockets

Health and Safety Standards

Lighting and Ventilation

Poor lighting can contribute to accidents, and inadequate ventilation can increase the risk of damp, mould, and poor indoor air quality. Both are essential for comfort, health, and safety.

All landlords must ensure their properties have:



- adequate natural lighting to all rooms used for living, sleeping, or studying/reading
- adequate artificial lighting to all rooms and spaces
- adequate natural ventilation throughout
- mechanical extract ventilation in kitchens and bathrooms

Food Safety, Domestic Hygiene, Pests and Refuse, and Flames, Hot Surfaces and Materials

Poorly designed kitchens, pest infestations, and inadequate refuse storage create health risks from food poisoning, burns, and hygiene issues. Safe and modern facilities are essential for reducing risks.

All landlords must ensure their properties have:



- reasonably modern and satisfactory facilities for storing, preparing, and cooking food in a safely designed and convenient kitchen space
- a design and construction that can be easily kept clean
- no unreasonable risks from hot surfaces or flames
- suitable provision for refuse storage inside and outside
- no access points for pests

Personal Hygiene, Sanitation and Drainage

Access to hygienic washing and toilet facilities is essential for preventing the spread of disease and maintaining basic dignity and health.

All landlords must ensure their properties have:



- a reasonably modern toilet
- a reasonably modern bath or shower
- a dedicated wash hand basin located in the same room as the toilet or immediately adjacent

Health and Safety Standards

Position and Operability of Amenities

Amenities such as sinks, cookers, cupboards, switches, and sockets need to be safely designed and conveniently positioned. Poorly placed or difficult-to-reach amenities can cause strain injuries, falls, or accidents.

All landlords must ensure their properties have:



- amenities, fittings, and equipment positioned and located to prevent physical strain or falls
- light switches, power sockets, and controls at safe and accessible heights in accordance with building regulations and good practice standards
- sanitary fittings (toilets, basins, showers) sited for safe and comfortable use, with adequate circulation space
- kitchens designed so that cooking, washing, and food preparation areas are arranged logically, with sufficient worktop space and without creating unnecessary hazards

Collision and Entrapment

Hazards from sharp edges, poorly designed spaces, and narrow or awkward gaps can cause collision injuries or trap body parts (e.g. hands, fingers, clothing). These risks are particularly significant in homes with young children, older residents, or those with mobility challenges.

All landlords must ensure their properties have:



- no low or excessively protruding features (such as radiators, shelves, or beams) that increase the risk of impact injury, where these are unavoidable such as in listed buildings mitigation should be taken where possible
- windows, doors, or gates that create pinch points or trapping hazards when opened or closed
- gaps in excess of 100mm in balustrades, stair rails, or guard rails that are wide enough to cause entrapment (e.g. a child's head or limbs)

Entry by Intruders

Unsecured doors and windows are one of the main routes for burglars or other intruders to gain access to a property. Break-ins not only result in theft or damage to possessions, but also create a significant risk of physical harm to occupants. The psychological effects of burglary and the fear of crime can be just as damaging as the physical risks.
Security standards should be proportionate to the local risk - in areas with higher burglary rates, stronger security measures are particularly important.

Health and Safety Standards

Entry by Intruders cont.

All landlords must ensure their properties have:

- sound and secure external doors fitted with locks that meet current security standards (e.g. BS 3621 for mortice locks or equivalent multi-point locking systems)
- windows designed for security, with strong frames, secure locks, and glazing that is resistant to forced entry
- well maintained door and window fittings in good repair, free from rot, warping, or other damage that may compromise security
- front entrance doors fitted with features to deter forced entry and enhance occupant safety (such as door chains, spy holes, or security viewers where appropriate)



Falls

Falls are a leading cause of injury in homes, especially on stairs, between levels, or through low windows. Proper safety measures reduce these risks.

All landlords must ensure their properties have:

- handrails fitted to the full length of all staircases, **including cellars**
- window restrictors in accordance with British Standard BS 6375-2 on all first-floor bottom-opening windows, where the window sill height is 800mm or less above floor level
- window restrictors should be of a design that does not require the use of a key and should re-engage when the window is closed



Fire Safety

House fires can cause fatalities within minutes. Adequate fire separation and reliable alarm systems are essential to protect life and property.

All landlords must ensure their properties have:

- sound, solid, and well-fitting internal doors, ceilings, walls, and floors that provide appropriate fire protection
- an appropriately designed fire detection and alarm system with interlinked, mains-powered alarms in accordance with British Standard 5839-6:2019
- Landlords should familiarise themselves with the National LACoRS Fire Safety Guidance which shows best practice in the various different house layouts: DASH Services - LACoRS Fire Safety Guide



Health and Safety Standards

Asbestos

Asbestos fibers can cause fatal lung disease, including mesothelioma and asbestosis. It is only safe if left undisturbed and properly managed.

All landlords must ensure their properties have:



- a record of the location and condition of asbestos in the dwelling, clearly labelled
- a properly managed plan for addressing any risks

If asbestos is present, it should be in good condition and well maintained. Where asbestos is damaged or likely to be disturbed, an assessment must be made and appropriate action taken (repair, seal, enclose, or remove), by a licensed contractor.

Structural Collapse

Buildings must be structurally sound to ensure the safety of their occupants. Structural defects - such as crumbling walls, loose roof tiles, sagging floors, or unstable chimneys - can lead to sudden collapse. Such failures pose a high risk of serious injury or death to residents and visitors, as well as significant damage to the property itself. Even smaller elements, like falling plaster or loose ceiling panels, can still cause harm. Preventing these risks requires both good construction and ongoing maintenance.

All landlords must ensure their properties are free from:



- structural disrepair that could result in the collapse or falling of an element, either internally or externally
- unstable roofs, chimneys, or balconies that may become detached or fall
- loose masonry, cladding, plaster, or ceiling finishes at risk of detachment
- deteriorated foundations or subsidence that compromises the integrity of the building

All landlords must ensure their properties:



- are in good structural repair and maintained to prevent failure
- are regularly inspected including roofs, walls, floors, and load-bearing components
- are repaired promptly by competent professionals where defects are identified

Health and Safety Standards

Crowding and Space

Overcrowded housing creates multiple health and safety risks. When too many people live in a small space, accidents and falls are more likely due to restricted circulation areas. Overcrowding also increases the spread of infections and can negatively affect mental health by limiting privacy and personal space. For children, overcrowding is associated with poor educational outcomes and developmental problems.

All landlords must ensure their properties:



- have sufficient bedrooms and living space to accommodate the number of permitted occupants safely
- have adequate circulation space so that rooms can be used without creating hazards
- have sleeping arrangements that respect privacy and safety, with enough floor space, light, and ventilation

Noise

Excessive or persistent noise inside homes can be more than a nuisance - it can cause disturbed sleep, stress, anxiety, and longer-term health impacts such as high blood pressure and cardiovascular disease. Proper construction and soundproofing help create a safe and comfortable living environment.

All landlords must ensure their properties have:



- separating walls and floors constructed and maintained to prevent excessive sound transmission, especially in flats or multi-occupied dwellings
- adequate acoustic insulation in accordance with relevant building regulations (e.g. Part E of the Building Regulations in England and Wales)
- well-fitted internal and external doors that minimise sound leakage
- windows with effective seals and glazing that help reduce external noise intrusion
- been well managed avoiding significant defects (e.g. gaps, poorly sealed service penetrations, thin partitions) that allow unreasonable noise transmission between units or from outside sources

Enforcement

Derby City Council is committed to protecting tenants by ensuring the fair and consistent enforcement of the law. This approach not only safeguards tenants but also creates a fair marketplace where compliant landlords are not undercut by those who neglect their legal duties.

This charter is underpinned by Derby City Council's approach to formal enforcement within the city. Failure to meet the standards outlined in this charter, particularly those concerning legal requirements and property safety, will likely result in formal action.

2.1 Enforcement Principles

Enforcement will be exercised with the following principles:

- **Proportionality:** The response will be proportionate to the severity and risk of the breach
- **Consistency:** Similar breaches will be treated in a consistent manner
- **Transparency:** Landlords will be informed of the reasons for any enforcement action
- **Targeted:** Enforcement will be prioritised as far as possible towards the worst conditions and the least compliant landlords
- **Accountability:** Regulation should have criteria against which its effectiveness can be judged and those responsible can be held to account for its effectiveness

2.2 Stages of Enforcement

- **Advice & Information:** Derby City Council have a wealth of information, advice and guidance available to assist landlords and agents in achieving compliance. In addition, Derby City Council hosts the Decent and Safe Homes (DASH) Service. DASH offers training, help, guidance and advice to landlords and agents.
- On receipt of information that a property may fall short of the required standards such as a complaint or third-party referral, we will in the first instance notify the landlord of that complaint and as far as possible any noted defects. This is an informal opportunity for the landlord to address any deficiencies in the property. Good communication and regular inspections are vital as they allow landlords to address any issues. Landlords should be aware that if the Council has to take formal enforcement action, an enforcement charge may apply. Proactive property management is key to avoiding this.

2.2 Stages of Enforcement cont.

If on inspection and assessment of the property significant deficiencies are found the council may:

- **serve an improvement notice.** This requires the landlord to remedy a hazard under the Housing Act 2004, with a specified deadline.
- **make a prohibition order.** This prevents the use of the whole or part of a dwelling where there are any serious risks to health and safety.
- **or take emergency measures.** In cases of Category 1 (High Risk) hazards, the council can take emergency action to remove any risks and recover costs from the landlord.

Prosecution & Penalties: Where there is a failure to comply with a formal notice, the council may initiate prosecution in the magistrates' court.
Landlords may also be subject to:

- **Civil Penalty Notices:** Up to £40,000 for each offence, as an alternative to prosecution
- **Banning Orders:** For the most serious and repeated offences, a landlord may be banned from renting out property in England
- **Rent Repayment Orders:** A court may order the landlord to repay up to 24 months rent to the tenant

Enforcement Case Studies:
The Consequences of Non-Compliance

These examples show how failure to comply with an enforcement notice can lead to significant financial penalties, legal action, and a damaged professional reputation.

Case Study 1: The Landlord Who Ignored an Improvement Notice

- **Breach:** Failure to comply with an Improvement Notice
- **Location:** Derby
- **Summary:** A landlord in Derby was fined £10,000 for failing to carry out essential repairs at his property, including fixing significant damp and mould and fire safety risks. The local council had previously issued an Improvement Notice detailing the required works. The landlord didn't take action, leading the council to initiate a prosecution.

Enforcement

Case Study 2: The Banned Landlord

- **Breach:** Persistent and repeated housing offences
- **Location:** Across the UK
- **Summary:** For the most serious and repeat offenders, a local authority can apply for a Banning Order, which prohibits a person from renting out any residential accommodation, effectively ending their career in the property sector.

Best Practice & Professional Conduct

- **Clear Communication:** The landlord will provide tenants with a reliable point of contact for routine and emergency issues
- **Complaint Handling:** The landlord will have a transparent and accessible complaints process and will respond to tenant complaints in a timely and professional manner. All issues should be addressed with immediate attention to avoid costly enforcement action being taken.

For further information and or clarification of anything in this document, landlords should contact the **Housing Standards Team on 01332 640764 or email housing.standards@derby.gov.uk**



Document Links

Useful Information

- **Renting out a property:** The official gov.uk webpage acts as a central hub of information for landlords, covering everything from landlord responsibilities and repairs to tax and safety regulations.
- **Landlord and agent guide to the Housing Health and Safety Rating System (HHSRS):** This document provides a detailed, technical explanation of how local authorities assess the 21 health and safety hazards in properties. Landlords can use it to proactively identify and mitigate risks in their properties - Housing Health and Safety Rating System (HHSRS): Landlord and agent guide - GOV.UK
- **DASH Services** provide useful information for landlords and agent on all aspects of Housing health and Safety, as well as free training opportunities to increase professional development - DASH Services

Landlord Associations:

Landlord Training Courses and Associations UK | EMPO

NRLA Member Dashboard | NRLA



We can give you this information in any other way, style or language that will help you access it. Please contact us on **01332 640764** or **derby.gov.uk/signing-service**

Punjabi
ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਇੱਥੇ ਸੰਪਰਕ ਕਰੋ: **01332 640764** ਜਾਂ **derby.gov.uk/signing-service**

Polish
Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku. Prosimy o kontakt: **01332 640764** lub **derby.gov.uk/signing-service**

Slovak
Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Prosím, kontaktujte nás na tel. č.: **01332 640764** alebo na stránke **derby.gov.uk/signing-service**

Urdu
یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے ، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے ۔ براہ کرم **01332 640764** یا پر ہم سے رابطہ کریں **derby.gov.uk/signing-service**

Derby City Council

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