

The most common type of tenancy in the private rented sector is an Assured Shorthold Tenancy (AST) and there have been a lot of changes over recent years which both landlords and tenants should be aware of.

One of these changes is the requirement for **all** landlords to provide prospective new tenants with an up to date copy of the Government's guide [How to rent: The checklist for renting in England](#).

This guide is for tenants and landlords in the private rented sector to help them understand their rights and responsibilities. It provides a **checklist of landlord obligations** and more detailed information on each stage of the process, including:

- what to look out for before renting
- living in a rented home
- what happens at the end of a tenancy
- what to do if things go wrong

Where this guide is not provided the ability of the landlord to end a tenancy and regain possession under the frequently used Section 21 (*Housing Act 1988*) route will be severely restricted.

Tenancy agreements: Although it may surprise you to know that is not a statutory requirement to have a written agreement (as it can be simply a verbal arrangement) it is a licence condition and it is undoubtedly beneficial for all parties to enter into a formal contract.

The landlord and tenant(s) may have agreed to make specific arrangements about the tenancy, and these will be part of the tenancy agreement as long as they do not conflict with law. Both have rights and responsibilities given by law *for example*:

- *tenants have the right to occupy the accommodation and the landlord has a right to receive rent for letting the accommodation to them.*
- *Landlords must ensure the property is maintained and carry out essential repairs (giving the tenant the required notice) and tenants must allow access for these works to be carried out.*

The tenancy agreement can give both landlord and tenant more than their statutory rights, but cannot give less than their statutory rights. If a term in the tenancy agreement gives either party less than their statutory rights, that term cannot be enforced.

A tenancy agreement can be made up of:-

- **express terms:** These include what is in the written tenancy agreement, if there is one, in the rent book, and/or what was agreed orally
- **implied terms:** These are rights given by law or arrangements established by custom and practice.

A model [tenancy agreement](#) and accompanying guidance for an AST has been produced by the Government.

Tenant referencing: How the Council can help

In order to help raise the standards of tenancy management in the private rented sector, and with the added benefit of reducing anti social behaviour, the Council operate a 'free to use' tenant referencing service, known as the:

Good Tenant Scheme (GTS)

Although it is **not a tenant finder scheme** the GTS can assist private landlords to assess whether or not to offer a tenancy to someone who has approached them for housing and is also a requirement for anyone who wishes to qualify for assistance from the *Smart Move Bond Scheme*: part of the *Housing Advice & Tenancy Support Service (HATSS)* operated by *Citizens Advice, Hartlepool* and amongst other things it offers landlords a written bond guarantee in place of a cash deposit in order to secure a tenancy.

Prospective tenants wishing to join the GTS scheme must attend the Civic Centre to complete an application form with a member of the Customer Services Team (*no appointment necessary*) where they will be required to produce valid ID and proof of current address before the form can be accepted.

In order for the scheme to reach a decision all applicants must provide detailed and accurate information about themselves and members of their household and must also agree to allow this to be shared with relevant persons *i.e. a previous landlord etc.*

This information will then be verified against records, held by relevant Council departments; landlords and other agencies, including:

- anti social behaviour
- how any current or previous tenancy has been conducted i.e. rent account; damage and/or abandonment of property; illegal use of property; any other breach of tenancy conditions; environmental issues accumulations of rubbish etc.
- Court orders/convictions
- Other relevant matters

IMPORTANT: *criminal record; credit and 'right to rent' immigration checks are NOT carried out as part of this process*

Once all of the checks have been completed the following membership status is awarded (similar to a traffic light system):

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| • Rejected | (not recommended for a tenancy: this decision usually remains in force for 12 months) |
| • Provisional | (which although it does not result in membership being rejected, there may be either i) a history which may be of concern or ii) there is insufficient history for a definite decision to be made: this decision usually remains in force for 6 months) |
| • Full | (recommended for a tenancy: this status usually remains in force for 6 months) |

Applicants are informed directly of the outcome in writing and will be provided with the reasons why the decision has been reached. It is recommended that Landlords should request that the applicant provides proof to verify this outcome BEFORE any offer of a tenancy is made.

Although membership does not guarantee that any future tenancy will be conducted satisfactorily it provides reliable, accurate and comprehensive information to allow a fully informed decision to be made by the landlord.

It is therefore recommended that landlords carry out their own additional checks, and carefully consider whether they possess sufficient tenancy management skills in order to manage any relevant issues which may have been brought to their attention **before** an offer of a tenancy is made.

The final decision on whether to offer a tenancy always remains with the landlord and the GTS is NOT intended as a barrier to securing accommodation for anyone who may have been declined from membership.

Landlords can also feed in to the GTS by completing an [outgoing tenant reference pro forma](#) whenever a tenant vacates a private rented property. This information can then be used by us to inform any future decision around a GTS application.

IMPORTANT (Selective licensing):

- **Licence holders should note that use of the GTS referencing service will help to satisfy relevant licence conditions.**
- **Licence applicants should note that when an application is being assessed by us (and we look at whether the management arrangements for the property are satisfactory) use of the GTS will be considered to demonstrate that there are adequate tenancy referencing procedures in place.**