

Licence holder includes any Agent or Representative acting on behalf of the licence holder

## **Peterborough City Council**

### **Selective Licensing Conditions**

#### **Housing Act 2004**

**In these conditions 'house' refers to the building, which is licensed in accordance with Part 3 of the Housing Act 2004**

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## Selective Licensing Conditions Schedule 4 - Housing Act 2004

### These conditions are set out in sections no 1 to 17

The licence holder must ensure that the premises fully comply with each of the conditions in sections 1 to 17 below unless specific alternatives are notified and agreed with the case officer.

Failure to comply with any licence condition may result in proceedings including fines up to £5,000 and loss of the licence

1	<p><b>Tenancy Management</b></p> <p>The Licence Holder must give the occupiers a written statement of the terms on which they occupy the house (tenancy agreement) and details of the arrangements in place to deal with repairs and emergencies. Copies of the written statement of terms must be provided to the Council for inspection within 7 days upon demand</p> <p>The licence holder must act lawfully and reasonably in requiring any deposits from occupiers, in handling rents, in returning deposits and in making deductions from deposits. The licence holder will provide an occupiers/prospective occupier with the following information:</p> <ul style="list-style-type: none"><li>• The amount of rent payable</li><li>• The details of any deposit required</li><li>• Details of what the deposit covers and arrangements for its return</li><li>• The frequency of payments</li><li>• The details of any utilities (gas, electric, water) or other charges included in the rent</li><li>• The responsibility for payment of Council Tax</li><li>• The responsibility for payment of utilities and arranging provision of such</li></ul> <p>The licence holder shall ensure that each tenant is made aware that they are responsible for their own behaviour and the behaviour of other occupiers and visitors. Tenants must be made aware that if they, other occupiers, or their visitors: Cause nuisance or annoyance to neighbours; or fail to dispose of refuse properly; or cause damage to fixtures, fittings, fire prevention or alarm equipment or installations, or to the fabric of the premises; or fail to give access to inspect or undertake works within their accommodation. They will be liable to enforcement action which may include possession proceedings either under the terms of their tenancy, pursuant to S21 of the Housing Act 1988 or pursuant to Grounds 13 or 14 of Schedule 2 of the Housing Act 1988.</p>
2	<p><b>References</b></p> <p>The Licence Holder shall obtain written references for any prospective tenant before letting the property. The licence holder must keep all references for the period of the licence and provide copies to the council within 28 days on demand.</p>

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2

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3	<p>Gas</p> <p>If gas is supplied to the house, the licence holder must obtain a gas safety check, carried out by a GAS SAFE registered engineer. A copy of the current gas safe certificate must be provided to Peterborough City Council at the time of licence application and annually thereafter or upon demand.</p>
4	<p>Electrical Appliances</p> <p>The Licence Holder must keep all electrical appliances and furniture supplied in a safe condition and must provide a declaration as to their safety as part of the application and thereafter on demand.</p> <p>The licence holder is required to have the whole of the electrics in the house inspected within 12 months of the licence issue date. The licence holder must provide a report by a fully trained, experienced and competent person ie NICEIC or ECA member.</p> <p>Any works highlighted by the report must be completed within 12 months of the date of the report; and the Council advised once works are complete.</p> <p>The licence holder must ensure, throughout the period of the licence, that the premises are covered by a valid periodic electrical survey inspection report. Where a report expires during the term of the licence, an up to date report must be provided to the Council within 28 days of the expiry date.</p>
5	<p>Smoke Alarms</p> <p>The licence holder must ensure that smoke alarms are installed in the property and kept in proper working order and provide a declaration as to their condition and position to Peterborough City Council upon request.</p>
6	<p>Furniture and Furnishings</p> <p>The licence holder must ensure that furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended 1989 and 1993) and must provide a declaration as to their safety at the time of application and thereafter on demand.</p> <p>The licence holder must ensure that any electrical appliances supplied by them are compliant and the licence holder must produce to the authority for their inspection a portable electrical appliance test (PAT) certificate within the first 12 months of the licence period.</p>
7	<p>Numbers of Occupiers</p> <p>The licence holder and/or his agent must ensure that rooms other than bedrooms are not used for sleeping purposes. The number of persons residing in the house shall not exceed the maximum number stated on the licence</p>

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3

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8	<p>Heating and Energy Efficiency</p> <p>The licence holder must provide, within 7 days of request from the council an Energy Performance Certificate.</p> <p>* The licence holder must not refuse or prevent any works proposed to improve the energy efficiency of their property if such works are grant funded. If the EPC certificate declares that the property does not achieve the minimum E rating, and the property is assessed as having a Category one hazard. Then works must be carried out immediately to improve the energy efficiency and remove the category one hazard regardless of any grant funding.</p>
9	<p>Property Management</p> <p>The licence holder must ensure that:</p> <ol style="list-style-type: none"><li>a) the occupiers of the house and the occupiers of any adjoining properties, with details of the following:<ul style="list-style-type: none"><li>• Name and address of the licence holder or managing agent</li><li>• A contact address, daytime telephone number</li><li>• An emergency contact telephone number</li></ul></li></ol> <p>This information must be sent to the Council within 28 days of the licence document and must be clearly displayed within the house. An emergency contact telephone number for the licence holder/agent or representative shall also be made available and notified to the Council:</p> <ol style="list-style-type: none"><li>a) Competent and reputable persons carry out all repairs to the house or any installations, facilities or equipment within it or its boundary, and that, repairs are completed to a reasonable standard.</li><li>b) All occupants of the house receive written confirmation detailing arrangements in place to deal with repairs and emergencies and report nuisance and anti social behaviour</li><li>c) If accommodation is provided on a furnished basis and includes electrical appliances, the licence holder must provide the occupier copies of user manuals or equipment provided as part of the agreement of occupation (tenancy agreement)</li><li>d) All occupiers are made aware of the licence and conditions</li></ol> <p>The licence holder/management agents must make regular (at least every 3 months) inspections of the property to ensure that the property is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions.</p> <p>The licence holder must ensure that any persons involved with the management of the house are to the best of their knowledge 'fit and proper persons' for the purposes of the Act.</p>
10	<p>Fire Safety</p> <p>The licence holder will inform the local authority of any changes to the positioning of smoke alarms</p>

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11 Security

The licence holder must ensure that:

- a) The security provisions for the access to the building (including but not limited to locks, latches, deadbolts and entry systems) must feature all the security features of an equivalent lock complying with BS3621:2004 and be maintained in good working order at all times
- b) Where window locks are fitted, the licence holder will ensure that keys are provided to the relevant occupant
- c) Where a burglar alarm is fitted to the house the licence holder will inform the occupant in writing the circumstances under which the code for the alarm can be changed, and provide details when required on how this can be arranged
- d) Where previous occupants have not surrendered keys, the licence holder will arrange for a lock change to be undertaken, prior to new occupants moving in
- e) Where alley gates are installed to the rear of the licensed property, the licence holder must take responsibility for holding a key and making satisfactory arrangements for the occupier access

12 External areas, refuse and waste

The licence holder must ensure that: -

- a) The exterior of the property is maintained in a reasonable decorative order, and in a good state of repair
- b) The exterior of the property and all boundary walls, fences and gates must be kept free from graffiti
- c) At all times any gardens, yards and other external areas within the curtilage of the house are kept in reasonably clean and tidy condition and free from rodent infestation, and
- d) Suitable and adequate provision is made for storage of refuse generated in the property and that occupants use receptacles provided by the Council for storage prior to collection. The receptacles must not be exposed for a period longer than 12 hours prior to collection and must not cause obstruction at any time
- e) Access must be available at all times to adequate, external, refuse storage

The licence holder must inform occupants on the correct disposal arrangements for rubbish and bulky waste and the penalties of flytipping and storing accumulations within the front and rear gardens and any outbuilding of the house.

The licence holder must ensure that the water supply and drainage system serving the house is maintained in good, clean and working order.

The licence holder must not reasonably cause the gas or electricity supply that is used by occupiers of the property to be interrupted.

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5

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	<p>The licence holder must take reasonable steps to protect occupants from injury especially in relation to:</p> <ul style="list-style-type: none"><li>a) Any roof or balcony that is unsafe – ensuring that it is either made safe or access to it restricted.</li><li>b) Any windowsill that is at floor level – ensuring that bars or other such safeguards are fitted as necessary to protect occupants from falling</li></ul> <p>The licence holder must ensure that all common parts and fixtures are maintained in a safe condition including handrails, windows, stair coverings, fixtures, fittings and appliances.</p>
13	<p><b>Training</b></p> <p>The Licence holder and/or Manager shall undertake property management training courses where required to do so by the authority.</p>
14	<p><b>Management/Anti Social Behaviour</b></p> <p>The licence holder must take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of the premises for illegal purposes.</p> <p>The licence holder must: -</p> <ul style="list-style-type: none"><li>a) Provide a written action plan to Peterborough City Council outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually and submitted on request</li><li>b) Obtain tenant references prior to granting a tenancy as to previous tenancy conduct, including behaviour of that of the proposed occupier and household</li><li>c) If a licence holder receives a reference request for a current or former tenant from another licence holder he must respond to the request in writing within a reasonable period and either i) decline the request for a reference; or ii) when giving a reference state whether or not he is aware of any allegations of anti-social behaviour made against their tenant and if such allegations have been made give details of the same including details of whether (to his knowledge) the allegations have been admitted or have been found proven in any court or tribunal.</li><li>d) The licence holder and/or the manager are required to provide information regarding the full names and dates of birth of each occupant, when asked by the Council</li><li>e) Cooperate with Peterborough City Council, Cambridgeshire Constabulary and other agencies in resolving complaints of anti-social behaviour. The licence holder and/or their nominated managing agent are required to undertake an investigation of any complaints regarding their tenants. Written records of these will be required.</li></ul>

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- f) The licence holder will ensure occupants of the house are aware of the services available to them and how they can report nuisance and anti-social behaviour to the authority
- g) The licence holder must not ignore or fail to take action, if he has received complaints of anti social behaviour (ASB) that concern the visitors to or occupiers of the property or result from their actions.
- h) Any letters relating to ASB sent or received by the licence holder or managing agent must be kept for 3 years by the licence holder, and provided to the Council on demand.
- i) The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding ASB for 3 years.
- j) If a complaint regarding ASB is received or discovered by the licence holder or manager then the tenant must be contacted with 14 days and informed of the allegations of ASB in writing and of the consequences of its continuation.
- k) The licence holder shall from the date of receipt of a complaint monitor any allegations of ASB and whether it is continuing.
- l) Where ASB continues for 28 days from receipt of the complaint the licence holder or his manager/agent must within 7 days visit the premises and the tenant with a warning letter advising them of the possibility of eviction.
- m) Where the licence holder or manager has reason to believe that the ASB involves criminal activity the licence holder shall ensure that the appropriate authorities are informed.
- n) If after 14 days of giving a warning letter the tenant has taken no steps to address the ASB and the ASB is continuing the licence holder shall take formal steps under the written statement of terms of occupation (tenancy agreement) or licence which shall include promptly taking legal proceedings to address the ASB
- o) Where the licence holder is specifically invited they shall attend any case conferences or multi agency meetings arranged by the Council or the police.

15 Notification/Consultation of Changes

The Licence Holder and managing agents must consult with Peterborough City Council before making any material changes to the layout, amenity provision, fire precautions or occupation of the house and must inform the Council of:

- a) Details of any unspent convictions not previously disclosed to the local Authority that may be relevant to the licence holder and/or property manager and their fit and proper person status and in particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or any offence listed in Schedule 3 of the Sexual Offences Act 2003;
- b) Details of any findings by a court or tribunal against the licence holder and/or the manager that he/she has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business;
- c) Details of any contravention on the part of the licence holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which lead to civil or criminal proceedings resulting in a judgment or finding being made against him/her;
- d) Information about any property the licence holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under

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7

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	<p>Part 2 or 3 of the Act, or has revoked a licence in consequence of the licence holder breaching the conditions of his/her licence;</p> <ul style="list-style-type: none"><li>e) Information about any property the licence holder or manager owns or manages or has owned or managed that has been the subject of a interim or final management order under the Housing Act 2004;</li><li>f) Advertising the property for sale;</li><li>g) Changes to liability insurance;</li><li>h) Notification of foreclosure or repossession;</li><li>i) Successful claims against the licence holder for default of tenancy deposits;</li><li>j) Change in managing agent or the instruction of a managing agent;</li><li>k) Any major works to be undertaken to the property, including conversions and modernisations or emergency problems relating to fire, flood or disaster and the tenants are made temporarily homeless.</li></ul>
16	<p><b>Absence</b></p> <p>The licence holder is required to have in place suitable emergency and other management arrangements in their absence. The name and contact details of the licence holder and/or manager must be given to each occupier and must also be displayed in a prominent place within the property.</p>
17	<p><b>Compliance Inspections</b></p> <p>The licence holder must allow officers of the Council (upon production by of their ID) access to the house for the purpose of carrying out inspections of the house at all reasonable times.</p>

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