



Selective Licensing Scheme Conditions Schedule 4 - Housing Act 2004

These conditions are set out in sections no 1 to 20

The licence holder must ensure that the premises fully comply with each of the conditions in sections 1 to 20 below unless specific alternatives are notified and agreed with the case officer.

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

Licence holder includes any agent or representative acting on behalf of the licence holder

1. Tenancy Management

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

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 occupiers/prospective occupier with the following information:

- The amount of rent payable
- The details of any deposit required
- Details of what the deposit covers and arrangements for its return
- The frequency of payments
- The details of any utilities (gas, electric, water) or other charges included in the rent
- The responsibility for payment of Council Tax
- The responsibility for payment of utilities and arranging provision of such
- Provide tenants with written details of how to dispose of rubbish properly, including appropriate use of the bulky waste collection service and information on the recycling centre provided by Peterborough City Council.
- It must also include a prohibition regarding the illegal burning of waste and warn residents not to fly-tip from the property.

The licence holder shall ensure that each tenant is made aware, in written format, 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 inspection of works undertaken within their accommodation. They may be liable to enforcement action which may include possession proceedings under the terms of their tenancy, pursuant to Grounds 13 or 14 of Schedule 2 of the Housing Act 1988.

In addition to giving the prescribed information to the tenants, you, or your agent must keep a record of having given this information i.e. a signed disclaimer, to demonstrate this information was received by the tenants.

During the fixed term of the tenancy agreement, you must not make any attempt to increase the rent or make extra charges other than what is allowed for in the tenancy agreement. If the tenancy becomes periodic (there is no fixed term and the tenancy is continuing after the fixed term) any rent increases will be proposed through the appropriate legal procedure (currently Housing Act 1988 s.13)

You must make a copy of the tenancy agreement available before you let the property so that tenants can read it before being asked to sign. It also gives the tenants the opportunity to get

independent advice before signing. Additional copies of the tenancy agreement should be made available if the tenants ask for it.

2. References

You must obtain references for prospective tenants. These references must provide testimony as to the tenants past record of adhering to tenancy conditions and not committing anti-social behaviour at, or in connection with, the property.

It is understood that in certain circumstances it may not be possible to obtain a reference i.e. where it is a first tenancy, newcomer to the UK, tenant was previously homeless. In these circumstances you must provide evidence that you have explained, and the tenant understands the implications of them not adhering to tenancy conditions or committing anti-social behaviour as outlined above.

This can be achieved by obtaining a declaration signed by the tenant stating that they agree to abide to the licence and tenancy conditions and outlining the specific conditions relating to anti-social behaviour, waste management and overcrowding. This signed declaration must be kept by the landlord/agent for the period of the licence and provided to the council within 14 days on demand.

If the tenant does not speak English well enough to understand this information, you are required to make sure that someone is present who can act as an interpreter and explain these points well enough for the tenant to understand. This person must also sign the declaration.

3. General

Gas and electric meters, fuse boards, gas and water stop taps should be accessible to all occupants at all times without having to pass through other accommodation or through a shop/business premises. Where this is not possible due to security issues, tenants must be able to shut off gas and electrics from within their accommodation.

The licence holder must ensure that the appropriate consents are obtained from Peterborough City Councils planning and building control departments prior to any relevant improvement or repair works commencing

The licence holder must not unreasonably cause or permit the water supply or drainage used by the occupants of the house to be interrupted.

The licence holder must not unreasonably cause or permit the gas or electric supplies used by the occupants to be interrupted.

4. Gas

If gas is supplied to the property, 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 within 7 days of being requested by the Council.

A Carbon Monoxide alarm is required for any property with a gas or solid fuel appliance, such as a boiler, gas fire or gas oven/hob. This will conform to BS EN50291:2001. It should be fitted to a suitable location, following the manufacturer's specific instructions, usually at least 3m away from the gas appliance. Where there are multiple gas appliances additional detectors should be positioned in accordance with manufacturer's instructions. The whole detector (not just the battery) must be tested as part of the regular tenancy inspection regime, (at least annually), in accordance with the manufacturer's instructions.

5. Electrics

The fixed electrical wiring and installations must be certified as safe by an electrician qualified to undertake the test at least every 5 years, unless otherwise indicated on the previous inspection to be sooner, and must be to a 'Satisfactory' standard. This will usually be a domestic electrical installation condition report. The landlord must supply a copy of the electrical condition report with the application for licensing. Where there is no existing report then one shall be provided within 1 year of the commencement of the licence.

Should the Electrical Report specifies that the installation is unsatisfactory, the licence holder must ensure that such works are completed no later than 28 days following the date of the report and must inform the licensing team upon completion of the works.

Any works highlighted by the report must be completed as required by the report; and the Council advised once works are complete.

The licence holder must ensure, throughout the period of the licence, that the premises are covered by a valid domestic electrical installation condition 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.

6. Smoke and Carbon Monoxide Alarms

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. Smoke alarms must be tested at each property inspection, details of the test recorded by the licence holder and supplied to the Council within 7 days of written request.

The licence holder will inform the local authority of any changes to the positioning of smoke alarms.

* note - It is a legal requirement for all landlords to fit smoke alarms in rented homes. Under the new laws smoke alarms must be fitted on every floor of the property as well as carbon monoxide alarms in properties which burn solid fuels. Landlords must check the alarms are working at the start of every new tenancy with potential penalties of up to £5,000 if they don't comply.

7. Furniture and Furnishings

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.

8. Numbers of Occupants

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.

9. Space Standards

Houses occupied as single family dwellings that are of up to 3 bedrooms shall have a minimum of one living room – minimum 13m² - that is not used for sleeping. This will increase by 1m² for each extra bedroom.

Bedrooms of 10.2 sqm or above can be occupied by a maximum of 2 adults or children over 10 years old, 1 adult and 2 children or 4 children

Bedrooms 8.35sqm to 10.2 sqm can be occupied by no more than 1 adult and 2 children or 3 children

Bedrooms 6.5 sqm to 8.35 sqm can be occupied by no more than 1 adult or 2 children

Bedrooms 4.65 sqm and 6.5 sqm can be occupied by no more than 1 child

Rooms of less than 4.65 sqm are not acceptable as bedrooms

(An adult is deemed to be anyone over the age of 10 and a child anyone between the ages of 1 and 9)

Multi Occupied Houses shall adhere to the following minimum room sizes:

Bedrooms - 10 sqm if occupied by a single person or 15 sqm if occupied by two persons

These sizes can be reduced to 7 sqm and 11 sqm if there is a separate communal lounge that is not used as a kitchen/dining room.

(Space standards for kitchens, living rooms and dining rooms vary in accordance with the number of occupants and layout and need to be assessed individually)

10. Energy Efficiency

The licence holder must provide the tenant with a copy of the Energy Performance Certificate (where applicable). The licence holder must supply a copy of the Energy Performance Certificate to the Council within 7 days of request.

11. Overcrowding

You must not allow anyone to live or stay in your property if it is going to make it overcrowded. Your licence will state how many people can live in your property.

If you suspect that your house has become overcrowded, you must make the tenant immediately aware that it is an offence. The Council can prosecute landlords and tenants who cause overcrowding.

Where there is evidence that the tenants have caused overcrowding, you must make it clear to the tenants, in writing, that you will take reasonable steps to end the overcrowding including taking possession action through the courts for breach of the tenancy agreement.

Tenants must be informed that they must not allow guests to sleep in their homes, except on an occasional short term basis, if it will exceed the permitted numbers shown on your licence.

*short term occasional basis – i.e. over a holiday period, or a 2 week period for visiting friends and family.

12. Property Management

The licence holder must ensure that:

- a) the occupiers of the house, with details of the following:
 - Name and address of the licence holder or managing agent
 - A contact address, daytime telephone number
 - An emergency contact telephone number

This information 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

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. All tradespersons must remove all debris and redundant components from the property and exterior after completing works.

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

- a) 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)

- b) All occupiers are made aware of the licence and conditions and be given a copy of the licence as part of their agreement of occupation (tenancy agreement)

The licence holder/management agents must make regular 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. Regular means at least every 3 months during the first 12 months of a tenancy and then as appropriate thereafter but at least annually.

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.

13. 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 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

14. External 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. The tenancy agreement must set out who is responsible for maintaining the gardens and other external areas within the curtilage of the property.
- d) The licence holder must ensure the gardens, yards and other external areas are cleared of rubbish, debris and accumulations and are cleaned between tenancies.
- e) Suitable and adequate provision is made available, at the start of a tenancy, for storage of refuse generated in the property and that occupants are provided with information on the correct storage and disposal of waste prior to collection.

- f) The licence holder must inform the tenants in writing that receptacles are put out for collection as appropriate in accordance with their collection date and times and that bins are removed from the street as soon after collection as possible. .
- g) Access must be available 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 fly-tipping 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 take reasonable steps to protect occupants from injury especially in relation to:

- a) Any roof or balcony that is unsafe – ensuring that it is either made safe or access to it restricted.
- b) Any windowsill that is at floor level – ensuring that bars or other such safeguards are fitted as necessary to protect occupants from falling

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.

15. Training

The Licence holder and/or Manager shall undertake property management training courses where required to do so by the authority.

16. Anti-Social Behaviour

Anti-social behaviour is defined as being 'behaviour that causes nuisance, annoyance, harassment, alarm or distress to one or more people living nearby'. This can include (but is not limited to), leaving rubbish and litter, vandalism, noise nuisance, harassment and intimidation, abusive behaviour, and drug and alcohol abuse.

The licence holder must take reasonable and practical steps to reduce or prevent ASB by persons occupying or visiting the house and the use of the premises for illegal purposes.

The licence holder must: -

- a) Obtain tenant references prior to granting a tenancy as to previous tenancy conduct, including behaviour of that of the proposed occupier and household (see condition 2 above)
- b) If a licence holder receives a reference request for a current or former tenant from another landlord 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 ASB 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.

- c) 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
- d) Co-operate 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.
- e) The licence holder will ensure occupants of the house are aware of the services available to them and how they can report nuisance and ASB to the authority
- f) The licence holder must not ignore or fail to take action, if he has received complaints of ASB that concern the visitors to or occupiers of the property or result from their actions.
- g) 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.
- h) The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding ASB for 3 years.
- i) If a complaint regarding ASB is received or discovered by the licence holder or manager then the tenant must be contacted within 14 days and informed of the allegations of ASB in writing and of the consequences of its continuation.
- j) The licence holder shall from the date of receipt of a complaint monitor any allegations of ASB and whether it is continuing.
- k) 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 serve the tenant with a warning letter advising them of the possibility of eviction.
- l) 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.
- m) 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) which shall include promptly taking legal proceedings to address the ASB
- n) Where the licence holder is specifically invited they shall attend any case conferences or multi agency meetings arranged by the Council or the police.

17. Notification 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 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;
- e) Information about any property the licence holder or manager owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004;
- f) Changes to liability insurance;
- g) Notification of foreclosure or repossession;
- h) Successful claims against the licence holder for default of tenancy deposits;
- i) Change in managing agent or the instruction of a managing agent;

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.

18. Absence

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.

19. Compliance Inspections

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.

20. Accreditation

The licence holder must maintain their national organisation accreditation each year. If accreditation lapses then the licence holder will be liable to pay £550 (difference between £50 accredited landlord/letting agent fee and £600 non accredited fee). The licence holder will be required to provide proof of continuing membership on an annual basis.

Contact details

Further information about the Selective Licensing Scheme can be found at www.peterborough.gov.uk/selectivelicensing