



## **Selective Licensing Scheme Conditions for Privately Rented Properties Schedule 4 - Housing Act 2004**

**The licence holder must ensure that the property is fully compliant with each of the conditions. Failure to comply with any condition could result in penalties of up to £30,000 and loss of licence.**

### **1. Tenancy Management**

1.1 The Licence Holder shall at the beginning of any tenancy provide the occupiers with a tenancy pack which contains the following as a minimum:

a. written statement of the terms on which they occupy the house (tenancy agreement). The written statement shall be clear about tenants' responsibility for not causing anti-social behaviour and that breach of the statements requirements can lead to eviction.

b. Copies of current gas safe certificate, electrical safety report and energy performance certificate as appropriate.

c. Details of procedures to be followed for reporting anti-social behaviour (ASB)

d. A copy of the selective licence and licence conditions

e. Details of how to make a complaint and report maintenance issues including telephone numbers for out of office hours. Any change in telephone numbers or contact details should be provided to the tenants within 24 hours of the changes being made.

(it is also good practice to provide contact numbers for contractors, i.e. plumbers, electrician, gas, electricity and water providers that can be used in an emergency ie. Gas leak)

f. Details of the procedures to be followed in the reporting of Anti-social behaviour (ASB)

g. Details of the tenants duties and responsibilities to enable the licence holder or manager to comply with the licence conditions

1.2 The licence holder must provide a copy of the above written information (a-g), provided to the tenants, within 28 days of any demand from the Council.

1.3 The licence holder shall obtain references for new tenants before entering into any tenancy agreement with them or allowing them to occupy the property. Copies of references shall be kept for the duration of the tenancy and provided to the Council within 28 days of any demand.

1.4 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, the licence holder or agent must keep a record of having given this information i.e. a signed disclaimer, to demonstrate this information was received by the tenants.

1.5 During the fixed term of the tenancy agreement, the licence holder or agent 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. Tenancy Deposits / Terms of Occupancy**

2.1 Where a deposit is taken, the Licence Holder must provide the Tenant with relevant information about the deposit scheme to which it relates. The tenant must also be provided with written details, including:

a. Details of what the deposit covers and arrangements for its return

b. A clause stating that; upon vacating the property all of the tenants' possessions and waste must be removed and the property left empty. Any belongings/waste/furniture left in the property will be removed to an approved waste site, the cost of which will be deducted from the deposit.

2.2 The licence holder will provide occupiers/prospective occupier with the following information:

- The amount of rent payable
- The details of any deposit required
- 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.

### **3. Gas**

- 3.1 Where gas is supplied the Licence Holder shall ensure that the whole gas installations, including all gas appliance/flue are maintained in a safe condition and that an annual gas safety check is carried out by a Gas Safe registered engineer. Any defects noted on the certificate must be promptly rectified and certificated as satisfactory. The Licence Holder shall provide a copy of the gas safety certificate to all Tenants at the beginning of their tenancy and keep a written record that it has been provided.
- 3.2 The Licence Holder shall within twenty-eight (28) days of any demand by the Council produce for its inspection a gas safety certificate obtained within the previous 12 months in respect of the Property.

### **4. Electrical installations**

- 4.1 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.
- 4.2 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.
- 4.3 Any works highlighted by the report must be completed as required by the report; and the Council advised once works are complete.
- 4.4 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.

### **5. Appliances and Furniture**

- 5.1 The Licence Holder must ensure that any portable electrical appliances supplied by them (i.e. Fridge, microwave) and furniture made available by them in the Property are kept in a safe condition and maintained in proper working order. The Licence Holder shall ensure that as soon as any electrical appliance and/or furniture is identified as being unsafe, it is removed from the Property as soon as is reasonably practicable and properly disposed of by the Licence Holder. The Licence Holder shall ensure that a record of visual inspections and testing is maintained. The Licence Holder, shall within seven (7) days of any demand by the Council, provide the most recent records of visual inspections and testing carried out within the previous 12 months and provide a declaration as to the safety of electrical appliances made available by them at the Property.
- 5.2 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.

## **6. Smoke Alarms/Carbon Monoxide Detectors/Emergency Lighting**

- 6.1 The Licence Holder must ensure that a smoke alarm is installed on each storey of the Property on which there is a room used wholly or partly as living accommodation and shall keep each such alarm in proper working order
- 6.2 The Licence Holder shall ensure that a carbon monoxide alarm is installed in any room which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. Any such alarm must be kept in proper working order.
- 6.3 The Licence Holder shall supply a declaration as to the condition and position of any smoke alarms/carbon monoxide detectors in the Property within twenty-eight (28) days of any demand by the Council.

## **7. Energy Performance Certificates (EPC)**

- 7.1 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.

## **8. Property Management**

- 8.1 The Licence Holder shall have in place a suitable repair and maintenance process that ensures requests can be made by the tenants and that all requests are addressed as soon as is reasonably practicable. Tenants must be kept informed of the status of their request and timescale for completion. The Licence Holder shall produce records relating to repair and maintenance requests within 28 days of any demand by the Council.
- 8.2 The Licence Holder must engage competent and reputable persons carry out all repairs to the house or any installations, facilities or equipment, 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.
- 8.3 The licence holder must ensure that the occupiers of the house are supplied, 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
- 8.4 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).
- 8.5 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 records of any inspections shall be kept for the duration of the licence. The records must contain a log of who carried out the inspection, date and time of the inspection and any issues found. Copies of these records must be provided to the Council within 28 days of demand.
- 8.6 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.
- 8.7 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.

8.8 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

8.9 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.

8.10 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, This includes maintaining, in a neat and tidy condition, external cabling and the removal of unused or obsolete equipment installed on the property
- 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.

8.11 The Licence Holder shall make sure that adequate security arrangements are in place and take reasonable steps to achieve property security by complying with the requirements of paragraphs a) to f) below:

- a. So far as reasonably practicable, any emergency works necessary to protect the security of the property are undertaken within 24 hours of notification e.g. damage to windows/entrance points to the property.
- b. The security provisions for access to the property (locks, latches, deadbolts and entry systems etc.) are maintained in good working order.
- c. Where window locks are fitted, window keys are provided to the occupant(s) of the property.
- d. Where a burglar alarm is fitted to the Property, the Tenant(s) is (are) made aware of the code, how the alarm is operated and the circumstances under which the code for the alarm can be changed.
- e. Where previous Tenants have not surrendered keys, arranging for a lock change to be undertaken, prior to new Tenants moving in.
- f. Where alley gates are installed to the side or rear of the licensed property, taking responsibility for holding a key and making satisfactory arrangements for the Tenants' access and egress.

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

8.13 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

8.14 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.

## **9. Dealing with Rubbish and Waste**

- 9.1 Access must be available to adequate, external refuse storage. 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.
- 9.2 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.
- 9.3 The licence holder must inform occupants on the correct disposal arrangements for bulky waste and the penalties of fly-tipping and storing accumulations within the front and rear gardens and any outbuilding of the house.
- 9.4 The Licence Holder must inform the tenant that upon vacating the property they must remove all their possessions and that any unwanted items must be disposed of legally. Also that any belongings/waste/furniture left in the property will be removed to an approved waste site, the cost of which will be deducted from the tenants deposit.

**\*\* Richard what Leaflets, advice, translation, what do we have available that can be linked to on our website and in printable format for landlords to provide to tenants\*\***

## **9. Numbers of Occupants**

9.1 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.

## **10. Overcrowding**

10.1 The Licence Holder must not allow anyone to live or stay in the property if it is going to make it overcrowded. The licence will state how many people can live in the property.

10.2 Where there is evidence that the tenants have caused overcrowding, the Licence Holder must 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.

## **11. Property Inspections**

11.1 The Licence Holder must ensure that the Tenant's right to quiet enjoyment of the Property is respected. The Licence Holder must ensure that the tenant receives at least 24 hours' written notice of their intention to enter the property, specifying the reason why entry is required. The only exceptions are when it would not be reasonable to give such notice and access is required urgently, e.g. in an emergency.

11.2 The Licence Holder shall ensure that the property is inspected at least every 3 months in the first year of a new tenancy and 6 monthly thereafter to identify any problems relating to condition and management of the property. The records of such inspections shall be kept for the duration of the licence. Copies of these records must be provided to the Council within 28 days of demand.

## **12. Security**

12.1 The Licence Holder must ensure that the property has adequate security provisions for the access to the building (including but not limited to locks, latches, deadbolts and entry systems) be maintained in good working order at all times and must comprise of all the security features of an equivalent lock, adhering to the current British standard for the relevant door types . PAS 3621 - A lock standard by British Standards Institute (BSI) for multi-point locks, PVCu and composite domestic entry doors. BS3621 a lock standard by British Standards Institute (BSI) for wooden domestic entry doors.

### **13. Training**

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

### **14. Dealing with Anti-Social Behaviour**

14.1 The licence holder must take reasonable and practical steps to reduce ASB or criminality 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.
- 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 shall put in place written ASB procedures indicating how complaints made to the Licence holder will be dealt with, a copy of which shall be provided to the Tenants upon commencement of their occupation and to the Council within 28 days of demand.
- 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 the period of the scheme, 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 the period of the scheme.
- 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 up to and including eviction.

- 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.

**\*\* advice and good practice guide for managing complaints of asb (Laura do we have anything, or can we provide something)\*\***

## **15. Notification of Changes**

15.1 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
- j) 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.

## **16. Absence**

16.1 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.

## **17. Compliance Inspections**

17.1 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.