

Standard condition for Selective Licence -Housing Act 2004

Leicester Council Selective Licensing conditions relating to: A PROPERTY; in accordance with section 90 of the housing act 2004

For Selective Licensing the Government requires councils to use a set of PRESCRIBED CONDITIONS (contained with the Housing Act 2004). Councils are not permitted to alter or remove any of these conditions.

They relate to: -

1. Gas Safety
2. Furniture And Furnishings
3. Conditions Of Furniture
4. Safety Of Electrical Appliances
5. Safety Of Electrical Installations
6. Electrical Installations Remedial Works
7. Carbon Monoxide Alarms
8. Smoke Alarms/ Fire Detection System
9. Emergency Escape Lighting
10. Automatic Fire Detection and Warning System Standard
11. Fire Safety Certificate
12. Fire Fighting Equipment
13. Bin Provision and Waste Collection and Disposal
14. Information Provision for Waste Collection and Disposal
15. Security
16. Tenancy Agreement
17. Tenancy Management
18. Property Inspection
19. Repairs And Maintenance
20. Tackling Anti-Social Behaviour
21. Fit And Proper Person
22. Change Of Details or Circumstance
23. Licence Holder Training
24. Minimum Energy Efficiency
25. Remedial Works Required

1. Gas Safety

If gas is supplied to the premises, the Licence Holder must provide to the Council a Landlord's Gas Safety Record issued in accordance with the Gas Safety (Installation and Use) Regulations 1998 (as amended) with respect to all gas appliances, fittings, flues and pipework. Such a Gas Safety Record must have been obtained from a Gas Safe engineer and be dated within the 12 months prior to the date of application for this licence.

The licence holder shall produce the gas safety certificate issued in respect of the house within the previous 12 months for inspection within 7 days of the Council's demand.

Details of Gas Safe engineers can be found at www.gassaferegister.co.uk

2. Furniture and Furnishings

The Licence Holder must ensure that all upholstered furniture supplied by them for use by any occupier of the premises is compliant with the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended in 1989 and 1993).

They must supply to the Council when requested, a declaration as to the safety of such furniture within 7 days of the Council's demand.

Any such furniture which fails to comply with these regulations must be removed from the premises without delay and properly disposed of. Suitable replacement furniture must be provided as appropriate.

3. Condition of Furniture

The licence holder will ensure that any furniture supplied at the start of a tenancy or licence is in safe and good condition and maintained or replaced as far as it is the Landlord's responsibility throughout the tenancy.

4. Safety of Electrical Appliances

The licence holder shall ensure that electrical appliances made available in the house by them are kept in a safe condition and proper working order at all times.

The licence holder shall ensure a record of visual inspection and tests of such appliances is maintained and shall submit this record to the Council within 7 days of the Council's demand.

5. Safety of Electrical Installations

The licence holder shall ensure that the electrical installation in the house is kept safe and in proper working order at all times.

The licence holder shall ensure that a satisfactory Electrical Installation Condition Report (EICR) or Electrical Installation Certificate (EIC) is produced at intervals of no more than 5 years or more frequently if indicated on the previous report and supply the most recent EICR or EIC to the Council within 7 days of the Council's demand.

This must be carried out by a suitably qualified electrical contractor who should be a member of an approved scheme such as NICEIC, ECA, NAPIT and registered to undertake electrical works in accordance with part P of the Building Regulations. Electrical contractors that are on a relevant competent person scheme can be found at www.competentperson.co.uk

It is advised that should the landlords provide electrical equipment with the tenancy PAT testing is undertaken at the same time as the EICR.

6. Electrical Installation Remedial Works

All remedial works required to rectify C1, C2 or FI or equivalent must be completed as specified and an updated test certificate obtained before a licence is issued. Should any remedial works be recommended (C3) on the electrical installation condition report, the Licence Holder must ensure that such works are completed no later than 12 months following the date of the report and must inform the Council upon completion of such works.

7. Carbon Monoxide Alarms

The licence holder shall ensure:

- at least one smoke alarm is equipped on each storey of their homes where there is a room used as living accommodation.
- a carbon monoxide alarm is equipped in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers)
- smoke alarms and carbon monoxide alarms are repaired or replaced once informed and found that they are faulty.

Any such alarm must be kept in proper working order. For the purposes of this paragraph, a bathroom, lavatory, hall, or landing are all treated as being a room used as living accommodation.

The licence holder shall supply a declaration as to the condition and position of any carbon monoxide alarms in the property within 7 days of the Council's demand.

8. Smoke Alarms/Fire Detection Systems

The licence holder shall ensure that at all times a suitable fire detection and alarm system is installed in the house and is maintained in proper working order. As a minimum, there must be a smoke alarm installed on each storey of the house on which there is a room used wholly or partly as living accommodation. Fire detection and alarm systems are required to be interlinked, preferably mains connected, however battery-powered will suffice. For the purposes of this paragraph, a bathroom or lavatory is to be treated as a room used as living accommodation.

9. Emergency Escape Lighting

The licence holder shall ensure that any emergency escape lighting in the house **if present** is inspected, tested, and serviced by a competent person in accordance with BS 5266-1:20122 (or any British Standard which subsequently replaces this.) Copies of testing certificates shall be provided to the Council within 7 days of the Council's demand.

10. Automatic Fire Detection & Warning System Standard

The Licence Holder must ensure that any automatic fire detection and warning system **that is present** is designed and installed to the current applicable British Standard and is maintained in proper working order.

11. Fire Safety Certification

The licence holder must provide maintenance reports to Leicester City Council on request within 28 days with regards to emergency lighting, fire detection and alarm systems. The maintenance must be undertaken by a qualified fire alarm engineer and certification provided to confirm the systems complies with the relevant British Standards.

12. Fire Fighting Equipment

The Licence Holder must ensure that all firefighting equipment, where provided, is maintained in accordance with the manufacturer's recommendations and that replacement or refilled equipment is provided without delay following any usage which renders it no longer effective.

13. Bin Provision for Waste Collection and Disposal

The licence holder shall ensure that suitable and adequate provision is made for refuse storage and collection which comprises of closable bins of suitable capacity; including for recycling as specified by Leicester City Council.

- The licence holder shall ensure that the occupiers make arrangements for the collection of waste in accordance with these provisions and, when the property is unoccupied, adhere to these provisions themselves.
- The licence holder is also responsible for ensuring that any kind of refuse which the Council will not ordinarily collect (e.g. hazardous waste etc.) are disposed of responsibly and appropriately.

14. Information Provision for Waste Collection and Disposal

The licence holder shall at the beginning of a tenancy, provide written information to the occupiers of the property indicating: -

- which day refuse collections will take place; (<http://biffaleicester.co.uk/services/waste-collection-days/>)
- what type of bins/bags to use for household and recycling waste;
- what items can be placed in the recycling waste
- details of the Council's bulky waste collection service; (<https://www.leicester.gov.uk/your-environment/recycling-and-waste/bulky-item-collections/>)
- the occupiers responsibility to put bins out no earlier than 7pm on the day before collection (and be presented by at least 7am on collection day) and to return refuse containers within the boundary of the property on the same day that they are emptied or at the latest by 7am the day after the collection;
- that occupiers should make arrangements for any extra rubbish that cannot fit in the bins to be collected and/or disposed of as soon as is reasonably possible and ensure that such rubbish, where possible, is stored at the rear of and within the boundary of the property until collection/disposal.

15. Security

The licence holder shall ensure the property is secure by complying with the requirements of paragraphs a) to g) below: -

- a) So far as reasonably possible, any emergency works necessary to protect the security of the property are undertaken within 24hrs of notification e.g. damage to windows/entrance points to the property.
- b) The security provisions for the access to the property (locks, latches, deadbolts, and entry systems etc.) are maintained in good working order at all times;
- c) Where window locks are fitted, that keys are provided to the occupant(s) of the property;
- d) Where a burglar alarm is fitted to the house, that the occupant(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 occupiers have not surrendered keys, arranging for a lock change to be undertaken, prior to new occupiers 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 occupiers' access;

- g) The main escape route (usually the front door) must be fitted with a thumb turn mortice lock, or equivalent, to five-lever security level. The lock must comply with fire safety requirements in that it shall be openable from the inside without the use of a key.

16. Tenancy Agreement

The licence holder shall supply to the occupiers of the house a written statement of the terms on which they occupy it. This statement shall be provided within 7 days of the occupancy beginning and the licence holder shall supply a copy of the written statement within 7 days of the Council's demand.

The licence holder shall demand references for new occupiers before entering into any occupancy agreement with them or allowing them to occupy the premises. Copies of these references shall be kept for the duration of this licence and made available to the Council within 7 days of the Council's demand.

17. Tenancy Management

A copy of the following documents must be given to the tenant(s): -

- This licence, or a copy of it
- Gas Safety Certificate (if a gas supply at property)
- Name and address of Licence Holder OR their Manager
- Contact Telephone Number of Licence Holder OR their Manager

The contact and telephone number details should be applicable for contact between 9am – 5pm Monday to Friday and should also include out of hours contact details for use in emergencies Any change in contact and/or telephone number details should be provided to occupiers within 24 hours of the changes being made.

At the beginning of a tenancy the following should be provided: -

- Information explaining how they can make a complaint about the property and the arrangements in place to deal with emergency and other repairs.
- The licence holder shall indicate to the occupier(s) how they intend to respond to the complaint including a timescale for the steps they intend to take.
- The licence holder shall respond to any complaint within a reasonable timescale.
- Copies of all correspondence relating to complaints shall be retained during the duration of the occupation and for 6 months thereafter and shall be provided to the Council within 7 days of the Council's demand.

At the beginning of their tenancy each tenant must be given true copies of the current gas (if present in property), electrical safety and energy performance certificates.

The licence holder shall comply with all relevant landlord and tenant law shall ensure that all legal processes are followed when requiring occupiers to leave. If a complaint of illegal eviction is made to the Council, the licence holder shall provide information as to the steps taken to evict an occupant within 7 days of the Council's demand.

The licence holder shall ensure there is suitable and sufficient buildings insurance in place for the duration of this licence. This should cover the costs of re-housing occupiers in the event of a need arising.

Before a new tenancy is issued the licence holder/agent should carry out an inventory and document it with photographs (where appropriate). Both the licence holder and the tenant shall date and sign the inventory and each retain a copy.

You must ensure that you undertake all lettings in line with the Right to Rent Scheme including but not limited to securing references. <https://www.gov.uk/check-tenantright-to-rent-documents/who-to-check>

You must give written receipts to tenants at the time the payment is made for any rent paid in cash. Where rent is paid weekly you must provide a rent book or similar document and this must be kept up to date. During the fixed term of the tenancy agreement, any rent increase proposed must be through the appropriate legal procedure (currently Housing Act 1988 s.13).

Where a deposit is taken the licence holder must provide any tenant with the relevant information about the deposit scheme to which it relates, and any other information required under section 213 of the Housing Act 2004. The information must be provided to the Council within 7 days of the Council's demand.

18. Property Inspections

The licence holder must ensure that the tenant's right to quiet enjoyment of the property is respected. Where entry is required the licence holder must ensure that any notice requirements contained in the tenancy agreement are complied with. Where the tenancy agreement does not contain any such requirements, the licence holder must ensure that the tenant receives at least 24 hours written notice of intention to enter the property specifying the reason entry is required. The only exception when it would not be reasonable to give such notice and access is urgent, e.g. in an emergency.

The licence holder shall ensure that inspections of the property are carried out at least every six months to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement, the record must contain a log who carried out the inspection, date and time of inspection and issues for an action(s) taken. Copies of these must be provided within 7 days of the Council's demand.

19. Repairs and Maintenance

The licence holder must ensure all reasonable and practical steps are taken to respond to repair and maintenance issues at their property and that any works to deal with repairs are undertaken within a reasonable period of time after they are notified, and within the timescales notified to occupiers under condition 14.

The licence holder must ensure that: -

- a) The property is kept in a good state of repair and free from significant hazards that could affect the health and safety of tenants, occupiers, and visitors to the property (as required by part 1 of the Housing Act 2004)
- b) The exterior of the property is maintained in a reasonable decorative order, and in a good state of repair.
- c) The exterior of the property and boundary walls, fences and gates etc. are kept free from graffiti.
- d) Gardens, yards, and other external areas within the boundary of the property are kept in a clean and tidy condition and free from rodent infestations at all times.

20. Tackling Anti-Social Behaviour

The licence holder shall ensure that all reasonable and practical steps are taken to prevent and respond to Anti-Social Behaviour. These include written tenancy management arrangements to prevent or reduce Anti-Social Behaviour by persons occupying or visiting the property. Copies of these must be provided to the Council within 7 days of the Council's demand. If the licence holder or manager / agent receive complaints of Anti-Social Behaviour that concern the occupiers of, or visitors to the property or that result from their actions they must comply with requirements (a) to (i) below: -

- a) Any letters, relating to Anti-Social Behaviour, sent, or received by the licence holder, or agent of the licence holder, must be kept by the licence holder. True copies of the original document should be provided to the Council within 7 days on demand.
- b) Ensure that written notes are kept of any meetings or telephone conversations or investigations regarding Anti-Social Behaviour.
- c) If a complaint is received, or Anti-Social Behaviour is discovered, within 7 days the tenant must be informed of the allegations of anti-social behaviour in writing and of the consequence of its continuation.
- d) From the date of receipt of the complaint of Anti-Social Behaviour, monitor any allegations of anti-social behaviour and take all necessary steps to establish if it is continuing.
- e) Where the Anti-Social Behaviour is continuing after 14 days from receipt of the complaint, the licence holder, or his agent must, within 7 days visit the premises and give to the tenant, or leave at the property marked for their attention, a warning letter advising them of the possibility of eviction.
- f) Where the licence holder or his agent has reason to believe that the Anti-Social Behaviour involves criminal activity the licence holder must ensure that the appropriate authorities (e.g. Police, Council etc.) are informed.
- g) If after 14 days of giving a warning letter the tenant has failed adequately to address the Anti-Social Behaviour so that it is continuing, the licence holder must take appropriate formal steps under the tenancy agreement, whether to enforce its terms or to terminate it, including, where necessary, by taking legal proceedings against the occupier(s).
- h) Where the obligation under (g) has arisen, the licence holder must, within 7 days, provide to the Council in writing a plan setting out the steps he proposes to take, and the timescale for taking those steps, in order to resolve the problem.
- i) If the licence holder is invited to do so, they must attend a case conference or Multi-Agency Meeting arranged by the Council or Police (whether following the provision of a plan referred to at (h) above, or generally.)

There may be instances where Anti-Social Behaviour occurs more than once, but not continuously and possibly several months apart. In such circumstances the licence holder would still be expected to take all reasonable and practical steps to ensure it is effectively dealt with, up to and including eviction.

21. Fit and Proper Persons

The Licence Holder shall ensure that any person or persons involved with the management of the house are to the best of their knowledge "fit and proper persons" for the purposes of Section 66 of the Housing Act 2004.

22. Change of Details or Circumstances

The licence holder must inform the Council within 21 days of any material change in circumstances including: -

- a) Change of their address
- b) Change of manager, management arrangements or ownership
- c) Any changes to their, the manager's or any associate's circumstances which could affect their fit and proper person status i.e. any cautions or convictions for any offence involving fraud, dishonesty, violence, drugs, sexual offences (under Sexual Offences Act, schedule 3) discrimination or breach of housing or landlord/tenant law.
- d) Any proposed changes to the layout of the house that would affect the licence or licence conditions.

Licence holders should note that some of the changes above may result in either a new application or a variation being required to an existing licence.

23. Licence Holder Training

In the event that the Council confirms the presence of significant and/or continuous deficiencies in the supervision and/or maintenance of a licensed property the licence holder and/or manager may be required by the Council to attend an accredited management training course.

This requirement can be satisfied in one of the following ways: -

- a) By completion of the accreditation training of the Decent and Safe Homes (DASH), National Residential Landlords Association (NRLA) or East Midlands Property Organisation (EMPO) or other equivalent recognised landlord accreditation body and submitting the pass certificates to the Council for confirmation.
- b) By completion of other suitable training on the law and legal requirements relating to managing privately rented properties subject to approval by the Council in advance and subject to submitting a pass certificate or similar document to the Council for confirmation.

24. Minimum Energy Efficiency

The property must have a valid Energy Performance Certificate (EPC) throughout the duration of the licence.

The government proposes that private rented dwellings must achieve an EPC of a minimum rating of C by 2025. Where a licence is granted up to or past 2025 it will be contingent upon the premises either: -

- Meeting the minimum EPC level i.e. C by 2025
or
- Have a valid exemption and be registered prior to 2025 on the national exemption register. Where the landlord / managing agent of the property fails to secure either a) or b) above this condition will be considered breached and action taken under licensing legislation and or Minimum Energy Efficiency Standards.

25. Remedial Works Required

Note: this section is used to list remedial works that are required at the specific property the licence applies to.