

Selective Licensing Scheme Conditions

January 2022

Selective Licensing Scheme Conditions

This document constitutes Appendix 1 of any Licence granted by Charnwood Borough Council under the selective licensing of Private Sector Rented Houses designation applicable to the Hastings and Lemyngton wards in the borough of Charnwood.

It includes both the conditions specified in Schedule 4 of Housing Act 2004, together with such additional conditions which Charnwood Borough Council consider appropriate for regulating the management, use and occupation of the house which is to be licensed and are imposed under sections 90 and 91 of the Housing Act 2004.

Important Notice

It is the Licence Holder's responsibility to ensure compliance with the requirements of all the Licence conditions set out in this document. Failure to do so may result in prosecution for breach of Licence conditions, service of a civil penalty of up to £30,000 in respect each Licence condition breach; and/or the revocation of the Licence.

The Licence Holder, as the person to whom this Licence has been granted, is responsible for ensuring compliance with its conditions at all times, and that any person acting on their *behalf* in the management of the house is made aware of, and complies with, the obligations and responsibilities set out in this document.

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Part I PERMITTED OCCUPATION

Condition 1 - Requirement for Works to be Carried Out

1. The Licence Holder must ensure that:
 - 1.1 The Licence Holder must ensure that if the Authority specify any works as necessary to be carried out as a condition of the grant of this Licence, then such works are carried out within the time period so specified.

Part II PROPERTY MANAGEMENT

Condition 2 - Gas Safety

2. The Licence Holder must ensure that:
 - 2.1 If gas is supplied to the House a copy of the current gas safety certificate obtained in respect of the House within the last 12 months is provided to the Authority annually for their inspection.
 - 2.2 The certificate states that it covers the complete gas installation including: supply pipes, flues, gas appliances and that they are safe to be operated.
 - 2.3 That each year an annual inspection of the House is undertaken by a suitably qualified and experienced gas engineer in accordance with the requirements of the Gas Safety (Installation and Use) Regulations 1998, or any subsequent amended regulations. Any defects noted on the certificate must be promptly rectified and certified as satisfactory.

Condition 3 - Electrical Installation and Safety

3. The Licence Holder must ensure that:
 - 3.1 Every electrical appliance which is provided by the Licence Holder for the use of a tenant is, and always remains in, a safe condition and the Licence Holder shall ensure that a record of visual inspections and tests is maintained.
 - 3.2 The Licence Holder shall supply to the Authority within 7 days of its demand the record of visual inspections and tests.
 - 3.3 The Licence Holder shall supply to the Authority within 7 days of its demand a declaration as to the safety of electrical appliances.
 - 3.4 The Licence Holder shall ensure that every fixed electrical installation is inspected and tested at intervals not exceeding 5 years by a person competent to undertake such inspection and testing.
 - 3.5 The Licence Holder shall obtain from the person conducting that inspection and testing a report specifying the results of the inspection and testing.
 - 3.6 The Licence Holder shall supply to the Authority within 7 days of its demand any such report

Condition 4 - Furniture and Furnishing

4. The Licence Holder must ensure that:
 - 4.1 Every item of upholstered furniture, including: sofas, chairs, children's furniture, beds, upholstered headboards, or garden furniture; together with all soft furnishings, including: mattresses, seat pads, cushions or pillows which are supplied to a tenant must comply with the relevant safety tests as prescribed under the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended), or any later amended regulations.

- 4.2 All items of furniture supplied are, and remain, labelled to show that they comply with the relevant safety tests.
- 4.3 Upon receiving a demand by the Authority to provide a declaration as to the safety of such furniture and soft furnishings, such is provided within 14 days.

Condition 5 - Storage and Disposal of Household Waste

5. The Licence Holder must ensure that:
 - 5.1 Arrangements are made that comply with any scheme which the Authority adopt in connection with the storage and collection of household waste at Houses pending collection.
 - 5.2 Where no such scheme has been adopted, that suitable refuse and re-cycling containers are provided on a scale sufficient for the number of tenants.
 - 5.3 Any necessary supplementary arrangements for the disposal or refuse and re-cyclable materials from the House are made having regard to the services provided by the Authority.
 - 5.4 If within the curtilage of the House there is insufficient space to store refuse, waste and re-cyclable materials, adequate arrangements for extra collections of such are made.
 - 5.5 Each tenant is informed in writing, at the start of their tenancy, of the days on which refuse, and re-cycling collection happens.

Condition 6 - Pests

6. The Licence Holder must ensure that:
 - 6.1 Reasonable precautions are taken to ensure that the House, together with its curtilage and garden are, so far as is practicable, kept free from pest infestation.
 - 6.2 Within 7 days of becoming aware of any pest infestation, adequate steps are taken with a view to effectively controlling such infestation.

Condition 7 - Water Supply and Drainage

7. The Licence Holder must ensure that:
 - 7.1 Adequate measures are taken to ensure that there is no unreasonable interruption in the supply of water to the House.
 - 7.2 Sufficient steps are taken to ensure that the drainage system at the House is kept free of obstructions.

Condition 8 - External Areas

8. The Licence Holder must ensure that:

- 8.1 Any garden, forecourt, yard, or passageway within the curtilage of the House is kept in a reasonably clean and tidy condition.
- 8.2 If a tenant, or a member of their household, or their visitor causes a breach of condition 8.1 above, steps are immediately taken to address the matter including a written warning being given to the tenant within 14 days of it coming to the attention of the Licence Holder.
- 8.3 A copy of any written warnings that have been given to a tenant is provided to the Authority within 7 days of a request being made to see the same.

Part III TENANCY MANAGEMENT

Condition 9 - Tenancy Agreements

9. The Licence Holder must ensure that:
 - 9.1 At the start of each tenancy, or licenced period of occupation, the tenant is provided with a written agreement which clearly sets out the terms upon which the tenant is permitted to occupy the House.

Condition 10 - Terms of Occupation

10. The Licence Holder must ensure that:
 - 10.1 Occupancy levels at the House do not exceed those set by the Licence.
 - 10.2 If occupancy levels exceed those permitted by the Licence then, upon becoming aware of this, all reasonable lawful steps are taken to ensure that the number of occupiers is reduced to the permitted level as soon as is reasonably practicable.
 - 10.3 The occupiers of the house are supplied with a written statement of the terms on which they occupy it.

Condition 11 - Tenants' Rights

11. The Licence Holder must ensure that each tenant's legal rights are observed, which includes but is not limited to:
 - 11.1 Giving reasonable notice to complete repairs, and 24 hours notice prior to inspections of the premises which are occupied by the tenant
 - 11.2 Terminating a tenancy or licensed period of occupation in a lawful manner.

Condition 12 - Licence Holder/Manager Details

12. The Licence Holder must ensure that:
 - 12.1 An information pack is given to all new tenants providing the name, address, telephone number and email address, together with the emergency contact telephone number of the person managing the property at the start of the tenancy.
 - 12.2 If any of the above details change, the notice is amended from time to time so that the correct up to date information is given.

Condition 13 - Complaints Procedure

13. The Licence Holder must ensure that:
 - 13.1 They have a written complaints procedure concerning the management and conditions of the property, a copy of which is given to the tenant at the start of their tenancy.

Condition 14 - Anti-Social Behaviour and Damage

14. The Licence Holder shall ensure that:
 - 14.1 All reasonable and practicable steps are taken to prevent or reduce anti-social behaviour or criminality by the tenants or occupiers of the property, together with their visitors.
 - 14.2 In particular, if acts of anti-social behaviour occur at the property in breach of the terms of the tenancy or licence agreement, they take appropriate steps to address this which may, in the case of serious or repeated anti-social behaviour, mean commencing possession proceedings.
 - 14.3 Records are kept of what action is taken which are provided to the Authority within 7 days of a request to see them.

Condition 15 – References

15. The Licence Holder must ensure that:
 - 15.1 References are demanded for new occupiers before entering into any occupancy agreement with them or allowing them to occupy the premises. Where obtained, copies of these references shall be kept for the duration of this licence and made available to the Authority within seven (7) days of the Authority's demand.

Part IV FIRE SAEFTY

Condition 16 - Smoke Alarms

16. The Licence Holder must ensure that:
 - 16.1 There must be at least one smoke alarm installed on each storey of the property on which there is a room used wholly or partly as living accommodation. For these purposes a bathroom or lavatory is a room used as living accommodation.
 - 16.2 Each smoke or heat detector and alarm system is periodically inspected so as to ensure that they are maintained in proper working order.
 - 16.3 Within 14 days of receipt of a demand by the Authority to see copies of any inspection or maintenance certificates, or confirmation of the location and positioning of the smoke or heat detectors and alarm system, such are provided within 14 days of the demand.

Condition 17 - Carbon Monoxide Alarm

17. The Licence Holder must ensure that:
 - 17.1 A carbon monoxide alarm is installed in any room in the property which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance.
 - 17.2 Such an alarm is kept in proper working order; and that the authority is supplied with, on demand, a declaration by them as to the condition and positioning of any such alarm.
 - 17.3 Adequate checks are carried out before each tenancy commences so as to ensure that each combustion appliance is in proper working order on the day the tenancy begins.

Condition 18 - Fire Safety Compliance

18. The Licence Holder must ensure that:
 - 18.1 The House complies with the current version of the Local Authorities Coordinators of Regulatory Services ("LACORS") Fire Safety Guidance or demonstrates to the satisfaction of the Authority that a reasonable and suitable alternative is in place.
 - 18.2 No deviation from the LACORS' Fire Safety Guidance which lowers the protection afforded at the House takes place before the Authority have agreed that such proposed deviation provides a reasonable and suitable alternative.

Condition 19 - Fire Risk Assessment

19. The Licence Holder must:
 - 19.1 Arrange for a fire risk assessment to be carried out at the House, and that all known risks and hazards noted by such assessment are, in so far as is reasonably practicable, documented, and minimised.

19.2 Fire risk assessments to be reviewed if there is a change in legislation and or layout of the property.

Part V GENERAL

Condition 20 - Changes and Alterations

20. The Licence Holder must ensure that:

20.1 In respect of any change to the:

- Licence Holder's residential address or contact details, or where the Licence Holder is a business, if the business address has changed
- Freehold or leasehold ownership
- Licence Holder or manager's circumstances which may impact upon their status as a fit and proper person including but not limited to cautions, criminal conviction for an offence concerning either dishonesty, fraud, violence, misuse of drugs, discrimination, or housing regulations

such change is reported in writing to the Authority within 21 days of it occurring (or any such lesser period that is specified in any relevant regulation).

Condition 21 – Management

21. The Licence Holder must ensure that:

21.1 They comply with all the requirements of the Housing Act 2004 and all other secondary legislation which concerns the regulation and management of Houses subject to Part 3 licensing.

Condition 22 - Training (Appendix 2)

22. The Licence Holder must ensure that:

22.1 Where the Licence Holder has not attended relevant training in the previous three (3) years, they must as a minimum attend suitable training on the law and legal requirements relating to managing privately rented housing within 12 months of the date the licence is granted. See Appendix 2 for Training Providers.

Definitions

In these proposed Licence conditions, the following words are defined below:

“Authority” refers to Charnwood Borough Council acting in its capacity as a local housing authority.

“BS” means British Standard.

“Electrical Installations” has the meaning given to those words in regulation 2(1) of the Building Regulations 2010.

“House” refers to:

- “dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling
- “house” means a building or part of a building consisting of one or more dwellings

and references to a house include (where the context permits) any yard, garden, outhouses, and appurtenances belonging to, or usually enjoyed with, it (or any part of it).

“Licence” means the licence granted by the Authority under Part 3 of the Housing Act 2004 pursuant to an application made by the proposed Licence Holder.

“Licence Holder” refers to:

- (i) the person to whom the Authority has granted the Licence, and
- (ii) from the date of his or her consent, any other person who agrees to comply with the Licence conditions, restriction and obligations that follow.

Condition 22 - Training

The training requirement in Condition 22 is a minimum requirement and depending on the level of responsibility and complexity of properties involved the Licence Holder should consider undertaking further relevant training in line with the extent of their liabilities.

This requirement for Condition 22 can be satisfied by the completion of a one day training course or online equivalent covering the law and legal requirements relating to managing privately rented houses.

Once completed, submit a certificate or other confirmation to the Authority following this training.

The following are recognised as providing a suitable course to satisfy this condition.

DASH Services Landlord Development Course www.dashservices.org.uk
linda.cobb@derby.gov.uk 01332 641111

East Midlands Property Owners (EMPO) Basic Law for Lettings
www.empo.co.uk/trainingcourses.html www.empo.co.uk/contact-us.html, telephone_0115
9502639

National Residential Landlords Association (NRLA) Landlord/Agent/HMO Fundamentals
eLearning and eClassroom Courses: <https://www.nrla.org.uk/training-academy/core-courses>;
telephone 0300 131 6400

Failure to comply with any licence conditions is an offence**Prosecution/Enforcement Action**

It is the Licence Holder's responsibility to ensure compliance with the requirements of all the Licence conditions set out in this document. Failure to do so may result in prosecution for breach of Licence conditions; service of a civil penalty of up to £30,000 in respect each Licence condition breach; and/or the revocation of the Licence.

The Licence Holder, as the person to whom this Licence has been granted, is responsible for ensuring compliance with its conditions at all times, and that any person acting on their behalf in the management of the house is made aware of, and complies with, the obligations and responsibilities set out in this document.

Limitations of the Licence Transfer

This Licence is personal to the Licence Holder and cannot be transferred to another person, organisation, or property.

Registered Companies

If the Licence Holder is a registered company and it is dissolved while the licence is in force, the licence ceases to be in force on the date of dissolution.

Property Condition

This property licence is not proof or evidence that the house is safe and free from hazards and defects. The property licence does not prevent criminal or civil legal action being taken against the Licence Holder, or anyone else with an interest in the property, if any hazards or nuisances are found or any other problems discovered in relation to the condition of the property.

Building Control

This property licence does not grant any Building Control (Development Control) approvals, consent, or permissions, retrospectively or otherwise. This property licence does not offer any protection or excuse against any enforcement action taken by the Building Control (Development Control) Department.

Planning Permission

This property licence does not grant, any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise. You should check the Authority's website to ensure the correct planning permissions are in place. This property licence does not offer any protection or excuse against any enforcement action taken by the Planning Services.

Variation

Where the Licence Holder or a relevant person applies to vary a licence, they should do so at the earliest opportunity and there may be a charge for any variations to a Licence. The original licence stays in force until the variation is determined and comes into effect a person making unauthorised changes may be liable to prosecution or other forms of enforcement action.

Leasehold Agreements

It is your responsibility to check the terms of any lease that you hold to ensure that renting the property does not breach the terms of your lease.

Guidance Information

These do not form part of the licence conditions, but you may still be under an obligation to comply with them.

Consumer Rights and Unfair Practices

The Office of Fair Trading's (OFT) guidance on unfair contracts when conducting their business, drawing up tenancies, contracts, or the service of notices on tenants and/or agents. The Licence Holder must act in good faith and must not conduct actions which would be considered a misleading action or omission. Full information should be supplied to any prospective tenant including details of this licence.

Further advice can be found here: <https://www.gov.uk/government/publications/unfair-contract-terms-cma37> <https://www.gov.uk/government/publications/unfair-terms-in-tenancy-agreements--2>

Gas Safety

If gas is supplied to the house the Licence Holder shall ensure the Gas Safety (Installation and Use) Regulations 1998 (or any Regulations which subsequently replace these) are complied with. Details of competent Gas Safe engineers can be found at www.gassaferegister.co.uk.

Electrical Safety

The Licence Holder shall ensure that the Electrical Equipment (Safety) Regulations 1994 (or any Regulations which subsequently replace these) are complied with. Certificates must be in the format recommended in the British Standards. All electrical checks, works, and certification must be carried out by a competent person being a suitably qualified electrical contractor who should be registered/member of an approved scheme such as NICEIC, ECA, NAPIT etc. or registered to undertake electrical works in accordance with Part P of the Building Regulations (unless exempt works).

Smoke Alarms, Fire Detection Systems and Emergency Escape Lighting

Depending on the size, layout, and occupancy of the property the Licence Holder may need to go over and above the legal minimum standards to adequately protect the tenants from fire and may also need to undertake a risk assessment. When doing this the Licence Holder should have regard to the current Building Regulations; and the LACORS Fire Safety Guide. The LACORS Fire Safety guidance is available at: <https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>.

Competent Person

A competent person is someone who has sufficient training and experience or knowledge and other qualities that allow them to assist you properly. The level of competence required will depend on the complexity of the situation and the particular help you need.

www.competentperson.co.uk.

Furniture Safety

The Licence Holder shall ensure that the Furniture and Furnishings (Fire Safety) Regulations 1988 (or any Regulations which subsequently replace these) in respect of any upholstered furniture supplied by them, including chairs, sofas, beds, upholstered headboards, mattresses, cushions, seat pads, pillows and upholstered garden furniture etc. are complied with. Further information on the requirements can be found in this guide: <https://www.fira.co.uk/images/FIRA-Flammability-Guide.pdf>.

Deposits

The Licence Holder shall ensure that any deposit taken as security for a tenancy is protected as appropriate by placing it in an approved tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used in a specified time.

Right to Rent

Only people with permission or a right to be in the UK have a right to rent property. As a landlord, you have a responsibility to restrict illegal immigrants accessing the private rented sector. If you are found letting to someone who does not have the right to be in the UK, and you cannot show that you have made right to rent checks, then you could face a penalty of £3,000. For more information visit www.gov.uk/check-tenant-right-to-rent-documents.

Energy Performance Certificates (EPCs)

Licence Holders shall ensure they comply with relevant legislation, ensuring tenants have sight of a current EPC for the property at the appropriate time. From 1st April 2018 domestic properties in England and Wales must have an EPC certificate with a minimum E rating for energy efficiency.

Redress Scheme

Where the Licence Holder is a letting agent or property manager, they shall be a member of a relevant property redress scheme. More information is available at www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes.

Information Commission Office

Every organisation or sole trader who processes personal information needs to pay a data protection fee to the ICO unless they are exempt'. Organisations can find guidance, pay the fee or search the register by visiting [Data protection fee | ICO](https://ico.org.uk/Data-protection-fee).

In general: The UK data protection regime is set out in the Data Protection Act 2018 and the UK GDPR and applies if you have information about people for any business or other non-household purpose. The law applies to any 'processing of personal data', and will catch most businesses and organisations, whatever their size. Further information and guidance on what the regime requires organisations to do, and how to comply with its duties can be found on the Information Commissioners Office website - ico.org.uk.

