# Appendix 1

# Selective Licensing of PRS Houses

# Proposed Licence 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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## 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.

“Selective Licensing designation” means the designation of the Hastings and Lemyngton wards in the borough of Charnwood as the area in respect of which Houses of the defined type and category are required to be licensed under section 79 of Part 3 of the Housing Act 2004.

“BS” means British Standard.

“Discretionary Conditions” means licence conditions imposed by the Authority under sections 90 and 91 of the Housing Act 2004.

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

“House” means the building (or any part of it) as defined by section 99 of the Housing Act 2004 and which is subject to selective licensing.

“Licence” means the licence granted by the Authorityunder 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.

“Mandatory Conditions” means the licence conditions specified in Schedule 4 of Housing Act 2004 which must be imposed upon a Licence granted under Part 3.

“Tenant” includes a licensee or any other occupier of the House.

## Table of Contents

### Part I PERMITTED OCCUPATION

Condition 1 Space Standards

Condition 2 Requirement for Works to be Carried Out

### Part II PROPERTY MANAGEMENT

Condition 3 Gas Safety

Condition 4 Electrical Safety

Condition 5 Furniture and Furnishing

Condition 6 Heating and Insulation

Condition 7 Security

Condition 8 Storage and Disposal of Household Waste

Condition 9 Pests

Condition 10 Water Supply and Drainage

Condition 11 External Areas

Condition 12 Property Conditions

Condition 13 Emergency Escape Lighting

Condition 14 Personal Washing Facilities

### Part III TENANCY MANAGEMENT

Condition 15 References

Condition 16 Tenancy Agreements

Condition 17 Terms of Occupation

Condition 18 Tenants’ Rights

Condition 19 Licence Holder/Manager Details

Condition 20 Complaints Procedure

Condition 21 Anti-social Behaviour and Damage

### Part IV FIRE SAFETY

Condition 22 Smoke Alarms

Condition 23 Fire Precautions

Condition 24 Carbon Monoxide Alarm

Condition 25 Electricity Supply and Fire Safety

Condition 26 Safety of Doors

Condition 27 Means of Escape

Condition 28 Fire Blankets

Condition 29 Fire Safety Compliance

Condition 30 Electrical Installations

Condition 31 Fire Risk Assessment

### Part V GENERAL

Condition 32 General

Condition 33 Changes and Alterations

Condition 34 Management

Condition 35 Training

Condition 36 Display of Part 3 Licence

### Part I PERMITTED OCCUPATION

## Condition 1 - Space Standards

1. The Licence Holder must ensure that:

1.1 The floor area of any room in the House which is used as sleeping accommodation by one person over the age of 10 years is not less than 6.51 square metres.

1.2 The floor area of any room in the House which is used as sleeping accommodation by two persons over the age of 10 years is not less than 10.22 square metres.

1.3 The floor area of any room in the House which is used as sleeping accommodation by one person under the age of 10 years is not less than 4.64 square metres.

1.4 Any room in the House with a floor area of less than 4.64 square metres is not used as sleeping accommodation.

1.5 Where any room in the House which is used as sleeping accommodation by persons aged over the age of 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the Licence.

1.6 Where any room in the House which used as sleeping accommodation by persons aged under the age of 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the Licence.

1.7 Where any room in the House which is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the Licence together with the maximum number of persons aged under 10 years as so specified.

| Space Standards Assessment The assessment of the number of people sharing will take into account both babies and children, with each having their own allocation of space.  Everyone aged over the age of 10 years old must be able to occupy sleeping accommodation so that they do not have to share with someone who is not a close relative, or with someone of the opposite gender unless they are living together/co-habiting. For the definition of close relative, this means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin.  A bed shall be provided for the exclusive use of each child.  Only the useable floor space will be included in calculating a room’s floor area after having deducted: corridors, toilet compartments, bathrooms, shower-rooms and chimney breasts. Any floor area occupied by fitted furniture shall also be excluded.  The ceiling height must be a minimum 1.9 metres over at least half of the floor area, and any area with a ceiling height of less than 1.5 metres shall not be counted as part of the habitable floor area.  No staircase or landing, nor any room which has been designed or appointed as either a kitchen, or as a bathroom, shall be deemed as suitable for sleeping accommodation.  These standards are set for a maximum of 5 people to share one facility such as a kitchen.  All bedrooms are to be within one floor of the kitchen, unless a lounge/dining room is provided where tenants may sit so as to be able eat their meals without having to carry their meals up or down two or more flights of stairs. |
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## Condition 2 - Requirement for Works to be Carried Out

2. 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 3 - Gas Safety

3. The Licence Holder must ensure that:

3.1 If gas is supplied to the House a copy of the current gas safety certificate is provided to the Authority in respect of the previous 12 months which is to cover both all the residentially occupied and the common parts of the House.

3.2 The certificate states that it covers the complete gas installation including: supply pipes, flues, gas appliances and that they are safe to be operated.

3.3 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.

## Condition 4 - Electrical Safety

4. The Licence Holder must ensure that:

4.1 Every electrical appliance which is provided by the Licence Holder for the use of a tenant is, and always remains in, a safe condition.

4.2 A copy of the current electrical safety certificate is provided to the Authority on demand.

4.3 Operating instructions in respect of electrical appliances are provided to each tenant at the start of their tenancy.

4.4 Periodic inspections of the electrical appliances in the House are undertaken in accordance with BS 7671, or any British Standard which subsequently replaces it at intervals of not less than 5 years.

## Condition 5 - Furniture and Furnishing

5. The Licence Holder must ensure that:

5.1 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 comply with the relevant safety tests as prescribed under the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended), or any later amended regulations.

5.2 All items of furniture are, and remain, labelled to show that they comply with the relevant safety tests.

5.3 Upon receiving a demand by the Authority to provide a certificate concerning the safety of such furniture and soft furnishings, such is provided within 14 days.

## Condition 6 - Heating and Insulation

6. The Licence Holder must ensure that:

6.1 A form of adequate and efficient fixed heating with adjustable controls is provided at the House which is capable of maintaining a temperature of not less than 21 degrees Celsius in every habitable room.

6.2 The fixed heating so provided is cost-effective, safely designed, sited and guarded so as to minimise risk to the health and safety of tenants and their visitors.

6.3 Such heating appliances are maintained annually by a suitably qualified and experienced heating engineer.

6.4 Any additional living room is provided with a sufficient number of sockets that can be used for a fixed heating appliance. Alternatively, a suitable supply pipe for gas where it is possible to safely site a gas appliance in the room is provided.

6.5 Gas cylinders such as Calor Gas, portable paraffin, or oil fixed heaters are not used as a main form of heating.

## Condition 7 – Security

7. The Licence Holder must ensure that:

7.1 Any lock, latch or entry system at the House is maintained in good working order at all times.

7.2 The front door to the House is fitted with a thumb-turn mortice lock (or equivalent) to a five lever level of security.

7.3 If window locks are fitted, each tenant is provided with keys to them.

7.4 Details of any burglar alarm are provided to each tenant, including instructions for use, and circumstances when, the code can be changed, together with the reporting of such changes to the Licence Holder.

7.5 If any tenant, on ceasing to occupy the House fails to return their keys to the Licence Holder, then new locks are fitted before any new tenant takes up residence in the House.

## Condition 8 - Storage and Collection of Household Waste

8. The Licence Holder must ensure that:

8.1 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.

8.2 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.

8.3 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.

8.4 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.

8.5 Each tenant is informed in writing, at the start of their tenancy, of the days on which refuse and re-cycling collection happens, and this information is displayed in a prominent position at the House.

## Condition 9 - Pests

9. The Licence Holder must ensure that:

9.1 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.

9.2 Within 7 days of becoming aware of any pest infestation, adequate steps are taken with a view to effectively controlling such infestation.

## Condition 10 - Water Supply and Drainage

10. The Licence Holder must ensure that:

10.1 Adequate measures are taken to ensure that there is no unreasonable interruption in the supply of water to the House.

10.2 Sufficient steps are taken to ensure that the drainage system at the House is kept free of obstructions.

## Condition 11 - External Areas

11. The Licence Holder must ensure that:

11.1 Any garden, forecourt, yard, or passageway within the curtilage of the House is kept in a reasonably clean and tidy condition.

11.2 If a tenant, or a member of their household, or their visitor causes a beach of condition 11.1 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.

11.3 No items of discarded furniture, bedding, clothing, toys, refuse or rubbish are left outside the House, or on the public highway, or on third party private land except where this occurs in anticipation of a pre-arranged collection.

11.4 All domestic rubbish and refuse is stored in suitable bins pending its collection.

11.5 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.

## Condition 12 - Property Conditions

12. The Licence Holder must ensure that:

12.1 The House is, and remains free from, any Category 1 serious hazards as classified under the Housing Health and Safety Rating System (“HHSRS”).

12.2 Upon becoming aware of a potential Category 1 hazard, he/she takes all reasonable steps to remedy the situation without delay and provides evidence to the Authority of the remedial steps taken within 7 days of receipt of such a request.

## Condition 13 - Emergency Escape Lighting

13. The Licence Holder must ensure that:

13.1 Any emergency escape lighting which is required to be installed within the House is inspected, tested and serviced in accordance with the requirements of clause 12 of BS 5266 – 1: 1999, or of any subsequent British Standard which replaces it. In particular, the following checks are carried out in accordance with BS 5266:

13.1.1 every six months checks of the emergency escape lighting

13.1.2 every three years checks of the emergency escape lighting

13.1.3 for self-contained luminaries with sealed batteries, once the first three year test of the emergency escape lighting has been carried out, thereafter annual tests shall be carried out

13.2 Throughout the period of time during which the House is licensed pursuant to this Licence, periodic test certificates in the format recommended by Part 1 of BS 5266, Annex C are submitted to the Authority within 7 days of such being demanded.

13.3 All of the checks and tests which are identified above are carried out by a suitable qualified, experienced and competent person, which includes a person who is a NCEIC enrolled contractor, or ECA member, and who is: familiar with all British Standards which relate to emergency escape lighting systems; qualified to, and regularly engaged in, the inspection of such systems; and whose work is subject to regular assessment.

## Condition 14 - Personal Washing Facilities

14. The Licence Holder must ensure that:

14.1 Any room at the House which contains a WC/toilet is also provided with a fixed hand-basin which has a constant supply of both hot and cold running water supplied to it.

14.2 Adequate drainage arrangements are in place in respect of the removal of foul and waste water from the House.

14.3 Where either of the above conditions are not met, then the Licence Holder is required to ensure that compliance with both requirements is achieved within 12 months of the date of this Licence.

## Part III TENANCY MANAGEMENT

## Condition 15 - References

15. The Licence Holder must ensure that:

15.1 References as to character and behaviour are taken in respect of every prospective tenant in advance of their being offered a tenancy and taking-up occupation at the House.

15.2 Written confirmation is provided to each tenant of the action which the Licence Holder will take should a tenant engage in acts of anti-social behaviour whether within the House or the immediate neighbourhood.

15.3 Copies of all references are kept for the duration of each tenant’s occupation of the House.

## Condition 16 - Tenancy Agreements

16. The Licence Holder must ensure that at the start of each tenancy, or licenced period of occupation, he/she provides to the tenant a written agreement which clearly sets out the terms upon which the tenant is permitted to occupy the House.

## Condition 17 - Terms of Occupation

17. The Licence Holder must ensure that:

17.1 Occupancy levels at the House do not exceed those set by the Licence.

17.2 If occupancy levels exceed those permitted by the Licence then, upon he/she 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.

## Condition 18 - Tenants’ Rights

18. The Licence Holder must ensure that each tenant’s legal rights are observed, which includes but is not limited to:

18.1 Giving 24 hours prior notice of entry to the premises within the House which are occupied by the tenant in the case of emergency repairs, and 7 days’ notice in the case of non-emergency repairs and inspections.

18.2 Terminating a tenancy or licensed period of occupation in a lawful manner.

18.3 Protecting rent deposits in accordance with legislation including the Rent Deposit Protection Scheme.

18.4 Ensuring utilities serving the House are not disconnected, nor unreasonably interrupted.

## Condition 19 - Licence Holder/Manager Details

19. The Licence Holder must ensure that:

19.1 A notice giving the name, address, telephone number and e-mail address, together with the emergency contact telephone number of the person managing the House is clearly and prominently displayed in the common parts of the House.

19.2 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 20 - Complaints Procedure

20. The Licence Holder must ensure that it has a written complaints procedure concerning the management and conditions of the House, a copy of which is given to each tenant at the start of their tenancy.

## Condition 21 - Anti-social Behaviour and Damage

21. The Licence Holder must ensure that:

21.1 The terms of any tenancy or licence agreement include provisions concerning anti-social behaviour.

21.2 All reasonable and practicable steps are taken both to prevent (which may include period inspection) and deal with any acts of anti-social behaviour occurring at the House, and which shall include investigating any complaints made about such conduct and liaising with the Authority and/or the Police.

21.3 If acts of anti-social behaviour occur at the House in breach of the terms of the tenancy or licence agreement, he/she takes appropriate steps to address this which may, in the case of serious or repeated anti-social behaviour, mean commencing possession proceedings.

21.4 Records are kept of what action is taken which are provided to the Authority within 7 days of a request to see them.

21.5 Appropriate notices are prominently displayed in the common parts of the House reminding tenants of their obligation not to act in an anti-social manner, nor to cause a nuisance or annoyance to other occupiers or neighbouring residents, and to take reasonable care to avoid causing damage to property.

## Part IV FIRE SAEFTY

## Condition 22 - Smoke Alarms

22. The Licence Holder must ensure that:

22.1 Adequate smoke and heat alarm systems are in place at the House which, as a minimum, are both mains wired and provide interlinked smoke alarms with battery back-up and comply with BS 5446.

22.2 A smoke alarm is affixed to the ceiling of each hallway and landing area, and living room and dining area; and a heat detector is affixed to the ceiling of each kitchen.

22.3 At least one smoke detector is provided on each floor level of the House, and any corridor longer than 5 metres is provided with sufficient additional smoke detectors.

22.4 Each smoke or heat detector and alarm system is periodically inspected so as to ensure that they are maintained in proper working order.

22.5 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 23 - Fire Precautions

23. The Licence Holder must ensure that:

23.1 Adequate and sufficient fire precaution facilities and equipment are provided at the House in accordance with any relevant British Standard, Building Regulations’ approval, or other guidance and advice document issued by any competent authority in respect of fire precaution facilities and equipment.

23.2 All fire precaution facilities and equipment including: fire doors, fire alarm systems, and emergency escape lighting systems are kept and maintained in full working order at all times.

## Condition 24 - Carbon Monoxide Alarm

24. The Licence Holder must ensure that:

24.1 A carbon monoxide alarm is installed, and maintained in working order, in any room at the House which is used wholly or partly as living accommodation (including a kitchen) and which contains within it a solid fuel (e.g. coal or wood) combustion appliance.

24.2 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 25 - Electricity Supply and Fire Safety

25. The Licence Holder must ensure that the electricity supply to the fire detection and emergency lighting system at the House is neither disconnected, nor threatened with disconnection, due to the non-payment of any money owing to the relevant supplier.

## Condition 26 - Safety of Doors

26. The Licence Holder must ensure that:

26.1 The main entrance door to the House, together with all doors leading to the common parts of the House from each tenant’s individual premises, are capable of being opened from the inside without the use of a key. This includes kitchen and living room doors leading out into any garden, yard, forecourt or side passage within the curtilage of the House.

26.2 Any kitchen, lounge, dining-room or bedroom is fitted with a half-hour fire resistant door (FD30S) which conforms to British Standard (“BS”) BS 476-22:1987 and is installed in compliance with BS 8214:2008.

## Condition 27 - Means of Escape

27. The Licence Holder must ensure that:

27.1 All means of leaving and escaping from the House in the event of a fire are kept free from any obstructions, and that fire precautions are maintained which includes informing tenants of this obligation.

27.2 All tenants are made aware of the procedures which are to be followed in the event of a fire at the House, including the routes out of, and means of escape from, it.

## Condition 28 - Fire Blankets

28. The Licence Holder must ensure that each kitchen at the House is provided with a fire blanket which conforms to the current British Standard as varied from time to time.

## Condition 29 - Fire Safety Compliance

29. The Licence Holder must ensure that:

29.1 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.

29.2 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 30 - Electrical Installations

30. The Licence Holder must ensure that:

30.1 Every electrical installation in the House is always kept and maintained in safe and proper working order.

30.2 Sufficient periodic inspections of every electrical installation in the House are undertaken in accordance with BS 7671, or any subsequent British Standard which may replace it, at intervals of not more than 5 years or, where a lesser interval has been recommended on the occasion of a previous inspection, within that lesser period.

30.3 A copy of the latest periodic inspection report, prepared in the format recommended in Appendix 6 to BS 7671, is supplied to the Authority within 14 days of it being requested.

30.4 The periodic inspections and reports are carried out and prepared respectively, by a suitably qualified and experienced person which includes: (a) a National Inspection Council for Electrical Installation Contracting enrolled contractor; (b) a fully approved Electrical Contractors Association member; (c) a member of ELECSA who has completed a periodic approval assessment; (d) a British Standards Institute or National Association of Professional Inspectors and Testers domestic installer.

## Condition 31 - Fire Risk Assessment

31. The Licence Holder must ensure that he/she arranges 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.

## Part V GENERAL

## Condition 32 General

32. The Licence Holder must ensure that:

32.1 The common parts of the House are kept clean, in a good state of repair and periodically maintained.

32.2 All tenants, together with their visitors, are reminded that smoking is not allowed in any of the common parts of the House by virtue of the Health Act 2006 and associated regulations.

## Condition 33 - Changes and Alterations

33. The Licence Holder must ensure that:

33.1 The House complies with current planning and building control regulations, and that, in respect of any changes to the physical fabric of the House which requires planning permission or building regulation approval, such permission or approval is obtained before any changes are made.

33.2 In respect of any change to the:

33.2.1 physical fabric of the House;

33.2.2 freehold or leasehold ownership;

33.2.3 management arrangements at the House;

33.2.4 construction, layout or amenity provisions at the House which would, or might affect the Licence or licence conditions;

33.2.5 personal circumstances of the Licence Holder which would or might 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 regulation and 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 34 – Management

34. The Licence Holder must ensure that:

34.1 He/she complies 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.

34.2 Any person appointed to act in the capacity of manager of the House complies with requirements of regulations 3 to 9 inclusive of the Management of Houses in Multiple Occupation (England) Regulations 2006, or any such regulations as may from time to time supersede them.

## Condition 35 - Training

35. The Licence Holder must ensure that he/she attends sufficient and adequate training so that he/she is familiar with the requirements and obligations of any approved code of conduct made under section 233 of the Housing Act 2004.

## Condition 36 - Display of Part 3 Licence

36. The Licence Holder must ensure that a copy of the House Licence is displayed at all times in a prominent place in the House, such as on a notice board at the front entrance.

## Limitations of Licence

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

***COMPANY OR PARTNERSHIP LICENCE HOLDERS:*** *If the Licence Holder is a corporate body or partnership which is either wound-up or dissolved during the period of time when the Licence is in force, then the Licence ceases to have any legal effect on and from the date of winding-up or dissolution.*

## Other Statutory Regulatory and Legal Requirements

***PLANNING PERMISSION:*** *This Licence does not grant planning permission, or any other planning approval or consent which may be required under the Town and Country Planning Act 1990 (as amended), or other planning legislation regulating the development and use of land and buildings.*

***BUILDING CONTROL:*** *This Licence does not grant Building Control approval, or any other approval or consent which may be required under the building control and regulation legislation.*

***CONDITION OF THE HOUSE:*** *This Licence is not evidence that the House, or any part of it, is safe or free from either hazard or defect. Nor does it offer protection against any criminal civil legal action being taken against the Licence Holder by any relevant authority – including the Authority – and any occupier concerning hazards, nuisance or any other matter affecting the condition of the House.*