

Selective Licensing – Scheme Conditions

A licence may include such conditions as a local housing authority consider appropriate for regulating the management, use or occupation of the house concerned as outlined under Section 90 and Schedule 4 of the Housing Act 2004.

The licence holder must ensure that the premises fully comply with each of the conditions in sections 1 to 32 below.

Failure to comply with any condition may result in legal proceedings and revocation of the licence.

In these conditions, “house” is meant to refer to the building or part of a building, which is licensed under Part 3 of the Housing Act 2004.

“Authority” is meant to refer to the local housing authority, namely Sandwell Metropolitan Borough Council.

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

Housing Act 2004 Prescribed Mandatory Conditions

1. If gas is supplied to the house, the licence holder must produce to the authority at the time of application and thereafter annually for their inspection, a gas safety certificate carried out on the gas supply and all gas appliances, by a Gas Safe Registered gas installer. To ensure that all recommendations outlined on the Landlord Gas Safety Record are complied with

2. The licence holder must keep electrical appliances and furniture made available by him/her in the house in a safe condition: and must supply the authority, on demand, with a declaration by him/her as to the safety of such appliances and furniture.

3. The licence holder must ensure that smoke alarms conforming to BS EN 14604 are installed in the property and are kept in proper working order.

One smoke alarm covering the hallway or landing at each level of the accommodation is required as a minimum.

The licence holder must supply the authority on demand, a declaration as to the condition and positioning of the smoke alarms (includes existing smoke alarms).

4. The licence holder is to ensure that 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, and

to keep any such alarm in proper working order – the alarms must be checked on the day the tenancy begins if it is a new tenancy.

The licence holder must supply the authority, on demand, with a declaration by him/her as to the condition and positioning of any such alarms.

Note – Solid fuel includes coal, wood, etc. A non-functioning, purely decorative fireplace would not constitute a solid fuel burning combustion appliance.

5. The licence holder must provide each occupier of the house with a written statement of the conditions of the terms on which they occupy the house. The licence holder shall provide a copy of the said terms to the authority on demand.

6. The licence holder must obtain references from all persons who wish to occupy the house. The licence holder shall provide a copy of the said references to the authority on demand.

Management of Licenced House

7. The licence holder must provide the occupiers of the house and the occupiers of any adjoining properties, with details of the following:

- Name of the licence holder or managing agent;
- A contact address and daytime telephone number;
- An emergency contact telephone number.

This information must be supplied within 28 days. An emergency contact telephone number for the licence holder shall also be available and notified to the authority.

8. The licence holder will provide, to any authorised officer of the authority, access into the licensed house as when required to do so, upon receipt of the required notice period.

9. The licence holder shall ensure that occupants of the house receive written confirmation detailing arrangements in place to deal with complaints, repair issues and emergencies should they arise.

10. The licence holder will provide each occupant of the house with copies of user manuals for any installations or equipment provided as part of the agreement for the occupation of the house.

11. The licence holder will arrange to undertake a detailed inventory to be agreed with the occupiers upon commencement of their occupation of the house and kept on file by the licence holder at their business address.

12. The licence holder will not discriminate against prospective occupiers of the house on the grounds of race, disability, gender, religion or sexual orientation.

13. The licence holder must ensure that all information and documents that are provided to their tenants are in a language/form that they can understand.

14. The Licence holder must carry out "Right to rent" checks in accordance with Home Office requirements prior to agreeing to a tenancy (Further information can be obtained from www.gov.uk)

15. The licence holder must act lawfully and reasonably in requiring any advanced payments from occupiers, in handling rents, in returning deposits and in making deductions from deposits. The licence holder will provide any occupiers/prospective occupier with the following information as highlighted in section 5:

- The amount of rent payable;
- The details of any deposit required. If a deposit is taken, to register said deposit, taken on, or after, 6th April 2007 with either scheme outlined by the Government under 2004 Housing Act, informing the tenant of which scheme is being used.
- Details of what the deposit covers and arrangements for return;
- The frequency of payments;
- The details of any utilities 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;
- To supply the tenant with a receipt on payment of rent.;
- Notice periods for ending the tenancy;
- A copy of the current version of the publication "How to rent" guide (downloadable from www.gov.uk);
- Details of arrangements for the storage and disposal of household waste including details of presenting of refuse for disposal: (see www.sandwell.gov.uk for collection days);
- Tenants responsibilities in regard of their use and occupation of the licensed premises;

The licence holder must ensure that any tenancy agreement granted after the issue of this licence includes the following clause within the tenant's obligations.

Nuisance and Anti-Social Behaviour: Not to cause, or allow household members or visitors to engage in anti-social behaviour which means any conduct causing or capable of causing a nuisance or annoyance to the landlord, other occupiers, neighbours within the locality. (Examples of anti-social behaviour include failure to control dogs or children, untidy gardens, not properly disposing of rubbish, inconsiderate use of the property, as well as

more serious problems such as noise, violent and criminal behaviour, domestic abuse, the supply and use of controlled drugs, and intimidation harassment or victimisation on the grounds of a person's race, sex (gender), sexual orientation, disability, age, religion or belief, socio-economic status).

16. The licence holder must take reasonable and practicable steps following advice or recommendations from the authority to prevent or reduce anti-social behaviour by persons visiting or occupying the house.

17. The license holder and his representatives must ensure that the tenant's right to quiet enjoyment is respected. Where entry is required to the property for the purpose of undertaking landlord duties and responsibilities, the license holder will ensure that the tenant receives at least 24 hours written notice of intention to enter the property specifying the reason entry is required. Should entry be refused the license holder may seek a court order to gain entry. Only in emergency situations such as flood, fire or potential threat to life should these requirements be waived.

18. The house must be inspected at least once within a twelve-month period to ensure it is free from any disrepair and/or issues relating to the tenancy.

19. The records of any inspection must be kept for the duration of the license and supplied to the authority on demand

Conditions relating to the House

20. The licence holder must supply to the authority at the time of application and thereafter on demand, where applicable, a current Energy Performance Certificate (EPC).

The house must comply with the minimum level of energy efficiency for privately rented property required under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. Landlords of privately rented property in England or Wales must ensure that their properties reach at least an Energy Performance Certificate (EPC) rating of E before granting a new tenancy to new or existing tenants. From 1 April 2020, these requirements will then apply to all private rented properties, all subject to any exemptions from these regulations.

21. The licence holder must supply a current (less than 5 years old) Domestic Electrical Installation Periodic Report of the whole of the electrical installation to the authority at the time of application and thereafter on demand. The inspection must be carried out by a suitably qualified electrical contractor who must be registered/member of an approved body such as NICEIC, NAPIT, etc. or registered to undertake electrical works in accordance with Part P of the Building Regulations. Any recommendations for urgent attention and improvement (Codes 1 and 2) must be rectified within 28 days of the report. On the expiry of a report, a new report must be obtained and supplied to the authority within 28 days of the previous report's expiry date.

22. If the house is provided on a furnished basis and includes electrical appliances, the licence holder must produce to the authority at the time of application and thereafter on demand a portable appliance test (PAT) certificate.

23. The licence holder must ensure all furniture provided within the house complies with the Furnishings (Fire)(Safety) Regulations 1988 as amended. To provide to the authority at the time of application and thereafter on demand, a declaration as to the safety of such furniture. All furniture which does not comply with these regulations provided by the licence holder must be removed from the premises.

24. The licence holder must ensure: -

- the provision of adequate kitchen facilities for the safe storage and preparation of food within the house such as lighting, ventilation, sink/drain, worktops (including splashbacks), cupboards, draws and readily cleansable surfaces;
- the provision of adequate bathroom facilities and equipment within the house such as lighting, ventilation, toilets, baths, showers, wash hand basins and any cupboards, shelving or fittings.

25. The license holder must ensure all repairs to the house and any installations, facilities or equipment are carried out within a reasonable time, to a reasonable standard by competent and reputable persons.

26. Where any works or alterations are to be carried out to the house, the licence holder must ensure the appropriate consents from Planning / Building Control at Sandwell Metropolitan Borough Council are obtained prior to works commencing.

Environmental management/amenity of the neighbourhood

27. The licence holder shall ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.

28. The licence holder must ensure that prior to the commencement of any tenancy and between tenancies all outbuildings, yards, forecourts and gardens surrounding the house are maintained, in repair and kept in a clean, tidy and safe condition and free from infestations.

29. The licence holder shall take reasonable steps to ensure the house is free from any pest infestation at the start of the tenancy and where necessary a treatment programme carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the authority on demand

30. The licence holder shall ensure that suitable and adequate provision for refuse storage and collection is made at the house and that the authorities arrangements for refuse collection including recycling are adhered to. This shall include the provision of closable bins of suitable capacity as specified by the authority. Arrangements shall be made immediately for the proper collection and disposal of any rubbish additional to that within the bins and such rubbish shall be stored within the curtilage of the house at the rear if feasible. The licence holder shall ensure so far as is reasonably practicable that the occupiers make arrangements for the collection of waste in accordance with these provisions and when the property is unoccupied, or the occupiers fails to do so the licence holder adhere to these provisions themselves. The licence holder shall ensure that all refuse containers are

returned within the curtilage of the house on the same day that they are emptied by the authority.

General

31. The licence holder must inform the licensing team of the authority within ten working days of any changes in their circumstances as follows:

(a) Details of any unspent convictions not previously disclosed to the authority that may be relevant to the licence holder 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 drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;

(b) Details of any finding 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 of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her;

(d) Information about any property the licence holder owns or manages or has owned or managed which has been the subject of:

- i. A control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or
- ii. Any appropriate enforcement action described in section 5(2) of the Act;

(e) Information about any property the licence holder 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;

(f) Information about any property the licence holder 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;

(g) Advertising of the house for sale;

(h) Change in managing agent or the instruction of a managing agent;

(i) Change of address of licence holder or landlord

(j) The undertaking of any substantial works to the house including conversions and modernisations.

32. All staff are required to undertake appropriate training courses to enable them to carry out their duties and to provide the authority, on demand, a record of such training.