

Selective Licence Conditions



Licence Conditions

1. The following are standard conditions that will be attached to each licence. The Licence Holder must comply with the following conditions throughout the duration of the licence.

1. Landlord Obligations

- 1.1 The Licence Holder must ensure that current tenants are given a copy of the licence and that any subsequent tenants are given copies of the licence.
- 1.2 The address of the Licence Holder given on their application form shall be used as the address for the proper service of any letter, notice or other document between the Council and the Licence Holder. It is the Licence Holder's responsibility to ensure that they take all reasonable steps to collect and act upon any letter, notice or other document sent to that address on a regular basis.
- 1.3 The Licence Holder must notify the Council of any managing agent that they employ in relation to the property within 14 days of having employed the agent.
- 1.4 The Licence Holder must provide, in writing, to the tenants, the name, address and telephone number of the person managing the house.
- 1.5 No other persons other than the Licence Holder or the named agent (that the Licence Holder has notified to the Council) can collect and receive rental monies from the tenant(s) at this property. These monies can be passed onto any third parties if required.
- 1.6 If the Licence Holder is not the manager of the property it is still their responsibility to ensure that the manager complies with all the conditions of the licence.
- 1.7 The licence holder shall provide tenants at the start of the tenancy 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.
- 1.8 The Licence Holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less often than the delivery frequency of the utility bills) during the course of the tenancy, and a final reading at the termination of the tenancy.
- 1.9 The Licence Holder shall not unreasonably cause the supply of water, gas (where provided) and electricity to house to be interrupted, where these supplies are under their control.
- 1.10 The Licence Holder shall not refuse a potential tenant solely on the basis that the tenant is in receipt of state assistance towards the cost of living, including rent.
- 1.11 The Licence Holder shall ensure that only they or the named agent (that the Licence Holder has notified to the Council) create new tenancies or licences to occupy this property whilst this licence is in force. Copies of any new written terms of tenancies or licences must be provided to the Council within 28 days upon demand.
- 1.12 The Licence Holder shall not knowingly cause or permit any person who has previously applied for a property licence in respect of the property and has either:
 - (a) been found not to be a Fit and Proper person, or
 - (b) been made subject to a Banning Order under the Housing and Planning Act 2016

to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property.

- 1.13 The Licence Holder must notify the Council in writing (within 14 days) if they becomes aware that they or any other person involved in the management of the property have received a conviction or caution not previously disclosed to the Council, issued by a Court of Tribunal, concerning:
- i. Fraud or dishonesty, violence or drugs, any offence listed in Schedule 3 to the Sexual Offences Act 2003 or any conviction relevant to the Licence Holder and/or property manager's fit and proper person status;
 - ii. Findings against the Licence Holder and / or the manager that they have practised unlawful discrimination on the grounds of any protected characteristic
 - iii. Civil or Criminal proceedings against the Licence Holder and/or property manager relating to housing, public health, environmental health or landlord and tenant legislation resulting in a conviction or service of a related Civil Penalty.
- 1.14 Where excessive waste is produced that cannot be stored within the receptacles provided by the Local Authority, alternative collections or receptacles must be arranged by the licence holder.
- 1.15 The Licence Holder shall at the commencement of a tenancy or where a tenancy exists provide to the tenant:
- (a) An inventory of contents and their condition at the commencement of the tenancy,
 - (b) details of the rent and dates due, rent payment methods and how and when rent may be increased and,
 - (c) details of arrangements for the payment for services including gas, water, electricity and heating, and provide the relevant contact information for the services provided at the house.
 - (d) details of the arrangements for the storage and disposal of refuse, including recycling requirements and days and times for collections.
 - (e) An Energy Performance Certificate (EPC).
- 1.16 The Licence Holder is required to have in place suitable emergency management arrangements in the event of their absence.
- 1.17 The Licence Holder must allow officers of the Council, or an agent acting on behalf of the Council, (upon production of a valid warrant of authority) access to the licensed dwelling for the purpose of carrying out inspections at all reasonable times.
- 1.18 The Licence Holder must ensure that Council Officers are not obstructed from carrying out their statutory duties, including inspecting the property to ensure compliance with the Licence conditions and statutory requirements.

- 1.19 The Licence Holder must inform the Council, within 14 days of becoming aware, of material changes of circumstances regarding:
- (a) The property becoming empty for more than 3 months
 - (b) Notification of repossession or foreclosure
 - (c) Changes to the construction, layout or amenity provision of the property

2. Council Standards for Licensable Properties

- 2.1 The maximum occupancy for this property is **one household OR two people in two households.**
- 2.2 The terms of these conditions are unique to this property and cannot be applied to any other property.
- 2.3 For the purposes of this licence, any occupier is regarded as one person, regardless of age, and therefore counts towards the maximum occupancy of the property.

3 Tenancy Matters

- 3.1 The Licence Holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property – this is usually a tenancy or licence agreement.
- 3.2 Copies of the written statement of terms must be provided to the Council within 7 days on demand.
- 3.3 The Licence Holder shall obtain references from persons who wish to occupy the property, or a part of the property, before entering into any tenancy or licence or other agreement with them to occupy the property.
- 3.4 No new occupiers shall be allowed to occupy the accommodation if they are unable to provide a reference.
- The licence holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within 28 days on demand.
- 3.5 The Licence Holder must ensure that any deposit taken under an assured shorthold tenancy is protected by placing it in an authorised tenancy deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must ensure compliance with the requirements of the scheme and the operation of Part 6 in Chapter 4, Housing Act 2004 within the statutory time limit (currently 30 days). A copy of the prescribed information given must be provided to the Council within 28 days on demand.
- 3.6 When rent or licence fees are collected or received in cash from the occupiers, a written rent receipt must be given to the occupiers within 7 days of receiving the rent. (This can be an email or written invoice confirming to the tenant the

date and amount paid). Copies of the rent receipts and records must be provided to the Council within 28 days on demand.

4. Gas Safety

- 4.1 If gas is supplied to the property, the Licence Holder must produce to the local housing authority, within 14 days if requested, an annual gas safety certificate obtained in respect of the house within the last 12 months for the authority's inspection.
- 4.2 If gas is supplied to the property, the Licence Holder must ensure that the gas installation and appliances are tested annually by an approved Gas Safe engineer. Any defect notified by the Council or tenant must be rectified within 14 days and written confirmation received from a gas safe registered engineer that it has been rectified.

5. Electrical Safety

- 5.1 The Licence Holder must keep electrical appliances made available by them in the house in a safe condition.
- 5.2 The Licence Holder must supply the Council, on demand, with a declaration by them as to the safety of such appliances. Where requested, test reports on the condition of the electrical appliances in the property must be provided to the Council within 14 days on demand.
- 5.3 The Licence Holder must ensure that every electrical installation in the property is in proper working order and safe for continued use. The Licence Holder must supply the Council with a declaration confirming the safety of such electrical installations within 14 days on demand.

6. Furniture

- 6.1 The Licence Holder is required to keep furniture made available by them in the house in a safe condition and must supply the authority, on demand, with a declaration by them as to the safety of such furniture.

All upholstered furniture and mattresses supplied by the Licence Holder shall comply with the requirements of The Furniture and Furnishings (Fire) (Safety) Regulations 1988 and bear the permanent labelling required by those regulations. For guidance see www.businesscompanion.info/en/quick-guides/product-safety/goods-in-rented-accommodation

7. Fire Safety

- 7.1 The Licence Holder is required to ensure that:
 - (a) 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 that
 - (b) Each installed alarm is kept in proper working order; and that
 - (c) The Council is supplied on demand with a declaration by them as to the condition and positioning of any such alarms

- (d) The installed smoke alarms are appropriate to the house

For the purpose of condition 7.1, a bathroom or lavatory is to be treated as a room used as living accommodation.

7.2 The Licence Holder is required to ensure that:

- (a) A carbon monoxide alarm is installed in any room of the property which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker; and that
- (b) Each installed alarm is kept in proper working order; and that
- (c) The Council is supplied on demand with a declaration by them as to the condition and positioning of any such alarms

For the purpose of condition 7.2, 'room' includes a hall or landing and a bathroom or lavatory is to be treated as a room used as living accommodation.

8. Changes in the use and layout of the Property

- 8.1 No changes must be made to the use, layout, amenity provision, fire precautions or maximum occupancy level of the property which may affect the licence granted without the Council's prior written consent.

9. Property Management and Safety

- 9.1 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, and this must be in writing if the works are to take more than 21 days.
- 9.2 The Licence Holder shall ensure that any repairs, improvement works or treatments at the house are carried out by a competent person(s) who is employed directly by the Licence Holder or an agent/employee of the Licence Holder. Copies of receipts and/or invoices for any such works must be provided to the Council within 21 days upon demand.
- 9.3 The Licence Holder must ensure that 6 monthly checks are carried out to ensure that the house is free from pest infestation. Where the Licence Holder becomes aware of a pest problem or infestation at the house they shall, within 7 days, take steps to ensure that a treatment programme is carried out to eradicate the pest infestation. Records shall be kept of such treatment programmes and copies of these must be provided to the Council within 28 days on demand.
- 9.4 The Licence Holder must ensure that tenants have the means by which to keep all outhouses, garages and sheds secure and are used for their intended purpose only.

The Licence Holder must ensure that all outhouses, garages and sheds are not used for human habitation.

- 9.5 The Licence Holder must ensure that the exterior of the house is maintained and in good order and regular checks (at least every 6 months or on receipt of a complaint) are carried out to ensure any garden and yard is free from waste, which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities.
- 9.6 The Licence Holder shall ensure that inspections of the house are carried out at least every six (6) months to identify any problems relating to the condition and management of the house. The Council may increase the frequency of such inspections if it has good reason to be concerned about the condition or management of the house. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection and issues found, and action(s) taken. Copies of these must be provided to the Council within 28 days on demand.
- 9.7 The Licence Holder is responsible for ensuring that the premise security is maintained, including:
- (a) the front door of the property is fitted with a mortice lock (thumb turn) or equivalent, to a five-lever security level;
 - (b) The access to the property, including locks, latches and entry systems, are maintained and in good working order at all times;
 - (c) That tenants are provided with keys for any window locks fitted;
 - (d) That relevant locks are changed prior to re-occupation in circumstances where previous occupants have not returned keys;
 - (e) That occupiers are informed in writing about the use of any burglar alarms fitted, including circumstances enabling changing of codes.

10. Anti-Social Behaviour

- 10.1 The Licence Holder must take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the premises and the use of the premises for illegal purposes.
- 10.2 The licence holder shall effectively address problems of antisocial behaviour resulting from the conduct on the part of occupiers of, or visitors to the premises by complying with the requirements of paragraphs (a) to (j) below:
- (a) The licence holder must not ignore or fail to take action, if he has received complaints of anti-social behaviour (ASB) concerning the visitors to or occupiers of the premises.
 - (b) Any letters, relating to antisocial behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept for 3 years by the licence holder.
 - (c) The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding antisocial behaviour for 3 years.

- (d) If a complaint is received, or antisocial behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed of the allegations of the antisocial behaviour in writing and of the consequences of its continuation.
- (e) The licence holder shall from the date of receipt of the complaint of antisocial behaviour, monitor any allegations of antisocial behaviour.
- (f) Where the antisocial behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must within 7 days visit the premises concerned with a warning letter about the consequences should the anti-social behaviour continue.
- (g) Where the licence holder or his agent has reason to believe that the antisocial behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed.
- (h) If after 14 days of giving a warning letter the tenant has taken no steps to address the antisocial behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms for occupation, e.g. the tenancy agreement or licence and which shall include promptly taking any legal proceedings to address the anti-social behaviour.
- (i) Where the licence holder is specifically invited they shall attend any case conferences or multiagency meetings arranged by the Council or Police. Any correspondence, letters and records referred to in condition 2.5 above must be provided to the Council within 28 days on demand.
- (j) Copies of all action taken under this section must be provided to the Council within 28 days of a written request

10.3 The Licence Holder must cooperate with Lambeth Council, Police 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 and must be submitted on demand.

ADVISORY NOTES AND RECOMMENDATIONS

Note: These are not conditions enforced under the Licence but matters that can / will be enforced under relevant legislation

11. Minimum Energy Rating

- 11.1 Where the Licence Holder is in control of property with an Energy Performance Certificate (EPC) Rating of less than 'E'.

The Licence Holder shall within twelve months of the licence being issued carry out the works detailed on the EPC for the property to improve the energy efficiency of the HMO to achieve an EPC rating of 'E' or above

OR

within three months of the licence being issued register a valid exemption on the national exemptions register -

Guidance - <https://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions>

Register - <https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before>

Where there is a lack of compliance, enforcement action will be considered in accordance with The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019.

12. **Fuel Poverty** - The following are recommendations to help tenants avoid fuel poverty. Where the council finds a Category 1 hazard of excess cold under the [Housing Health and Safety Rating System](#) enforcement action will be taken under Part 1 of the Housing Act 2004. Where a category 2 hazard is found consideration will be given to taking action under Part 1 of the Housing Act 2004.

- 12.1 Where a communal system is not in use, the Licence Holder should ensure that a suitable heating system is installed throughout the dwelling. Portable heaters and gas fires are not preferable means of space heating. The system installed should be programmable and controllable and must include thermostatic control. The system should include thermostatic radiator valves (if radiators are provided).
- 12.2 Where a communal system is not in use, the Licence Holder should ensure a suitable system for providing hot water is installed. The system shall be programmable and controllable.
- 12.3 The Licence Holder should, in writing, provide the tenant with details on how to use the heating and hot water systems, and how they are programmed. Where the system is a communal system, the Licence Holder should inform the tenants of this and how it is controlled and how the system is charged for.
- 12.4 Where a property contains single glazed windows, draught proofing should be provided to the windows and external doors.

13. Water Saving - The following conditions are recommendations to help their tenants avoid water poverty.

13.1 The Licence Holder should consider, where possible, installing water saving devices to the bathroom and kitchen facilities provided in the dwelling. This should include (but not limited to):

- tap aerators,
- shower flow regulators,
- shower timer devices,
- Combismart - thermostatic valve – only where Combination Boilers are fitted, and
- toilet cistern – flush water-use reduction devices.

The great majority of water companies offer both a free 'water saving' assessment of property and a selection of free water saving devices. The Council advises that you contact your water company in the first instance before purchasing any equipment.

The Council recommend that you have a qualified plumber install all devices in the property, to ensure proper fitting and use as these devices cannot be used for all types of water products, e.g. power showers.