

Selective Licensing: Licensing Conditions

The licensing conditions for the scheme will be a mix of mandatory conditions, which are also applicable to mandatory HMO licensing and a range of discretionary licensing conditions, which relate to the Selective Licensing scheme.

Mandatory Conditions - Schedule 4 of the Housing Act 2004

1 Gas

If gas is supplied to the house, the licence holder must provide to Scarborough Borough Council (the Council) a Gas Safety Certificate issued within the previous 12 months at the time of the application and thereafter annually or on demand.

2 Electrical Appliances

The licence holder must keep all electrical appliances supplied in a safe condition and must supply the authority, on demand, with a declaration by him/her as to the safety of such appliances

3 Furniture and Furnishings

The licence holder must ensure that furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended 1989 and 1993) and must provide a declaration as to their safety at the time of application and thereafter on demand.

4 Smoke Alarms:

The licence holder must ensure that smoke alarms are installed on each storey of the house on which there is a room used wholly or partly as living accommodation. A declaration as to the positioning of such alarms must be provided to the Council on demand.

The licence holder must ensure that the smoke alarms are kept in proper working order. A declaration as to the proper working order of the alarms must be supplied to the Council on request.

5 Carbon Monoxide Alarms

The licence holder must:

- ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance;
- keep any such alarm in proper working order; and
- supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.

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

And also, for the purposes of this condition “room” includes a hall or landing.

6 Tenant references

The licence holder must demand references from persons who wish to occupy the house and must provide evidence of pre-let reference checks undertaken to the Council upon request.

7 Terms of Occupation:

The licence holder must supply to the occupiers of the house a written statement of the terms on which they occupy the property. A copy of the terms will be provided to the Council on demand.

Additional Conditions of Licence imposed by Scarborough Borough Council

The Licence Holder must ensure that the premises fully comply with the conditions set out below unless notified otherwise.

8 Energy Performance

A copy of the Energy Performance Certificate for the property must be provided to the Council on request. The licence holder must provide prospective and new tenants with a copy of the Energy Performance Certificate (EPC) prior to the commencement of the tenancy.

9 Property Management

The licence holder must ensure:

- that a copy of the licence including the conditions attached to it is provided to all tenants;
- that all tenants of the licensed property are provided with details of the licence holder and, if applicable, details of the managing agent, including a contact address, daytime telephone number and an emergency telephone number,
- In the case of multi-occupied properties contact details of the licence holder and manager, including emergency telephone number, should also be displayed in a prominent place in the property
- that occupants of the property receive written confirmation detailing the arrangements that have been put in place to deal with repair issues and emergencies should they arise. These arrangements should cover the management arrangements that will be put in place in the licence holder's absence.
- that they and any appointed manager must provide the Council with up-to-date contact details, including a telephone number, so that problems with the house can be addressed quickly
- In the case of a multi-occupied property with common parts the licence holder/management agents must make regular (at least monthly) inspections of the property to ensure that the property is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions.
- In the case of a single occupied property with no common parts then the licence holder/management agent should make inspections of the property on a quarterly basis.

10 Security

The licence holder must ensure that:-

- the security provisions for the access to the dwelling (including but not limited to locks, latches, deadbolts and entry systems) must be maintained in good working order at all times.
- where window locks are fitted, the licence holder will ensure that keys are provided to the relevant occupant.
- where a burglar alarm is fitted to the house, the licence holder will inform the occupant in writing the circumstances under which the code for the alarm can be changed, and provide details when required on how this can be arranged.
- where previous occupants have not surrendered keys, the licence holder will arrange for a lock change to be undertaken, prior to new occupants moving in.
- where alley gates are installed to the rear of the licensed property, the licence holder must take responsibility for holding a key and make satisfactory arrangements for the occupier's access.
- all ground floor and basement windows have suitable window locks or are fully secured to prevent access from outside.

11 External areas, refuse and waste

The licence holder must ensure that:-

- The exterior of the property is maintained in a reasonable decorative order and state of repair;
- At all times any gardens, yards and other external areas within the curtilage of the house are kept in reasonably clean and tidy condition and free from rodent infestation, and
- Suitable and adequate provision is made for storage of refuse generated in the property and that occupants use receptacles provided by the Council for storage prior to collection. The receptacles or plastic refuse sacks where receptacles have not been issued must not be exposed for a period longer than 12 hours prior to collection and must not cause obstruction at any time.
- Access must be available at all times to the external refuse storage.

12 Training

The licence holder and/or manager shall undertake property management training courses where required to do so by the Council.

13 Anti-Social Behaviour

The licence holder must take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.

The licence holder must:

- Provide a copy of their ASB policy to the Council outlining procedures on request. This must be reviewed annually.
- Cooperate with the Council, North Yorkshire 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 investigations should be made and retained..

- Ensure that the occupants of the house are aware of the assistance available to them to deal with antisocial behaviour and how they can report nuisance and anti-social behaviour to the authority.

14 Tenancy Deposits - Any new tenancy deposit must be protected in a government authorised scheme within 30 days of receiving it and the licence holder must provide the prescribed information to the tenant and any relevant persons.

15 Changes of Circumstances

Any changes in the circumstances that affect the licensed property should be reported to the Council within 5 days of the change. Such circumstances are:

- Change of licence holder
- Change in suitability of licence holder to continue as licence holder
- Change of managing agent
- Change of property owner
- If the property becomes empty
- Change of address of licence holder

16 Safeguarding

The licence holder in person or via a member of staff or volunteer working at the premises must inform the Council immediately if they consider that a vulnerable adult is at risk of abuse or neglect.

The licence holder must ensure that they and all members of any staff associated with the management of the licensed property undertake training, as required, regarding 'Safeguarding Adults'.

17. Compliance inspections

The licence holder must allow the Council to undertake compliance checks. Council officers will give the licence holder a minimum of 24 hours notice of these checks and produce valid authorisation at the time of visit.

Authorised Council officers may inspect without giving 24 hours notice where there is reason to believe that there are serious breaches of licence conditions, where prior notification will defeat the purpose of investigating breaches of licence conditions or in the event of an emergency or where the property is the subject of an enforcement notice under Part 1 of the Housing Act 2004.