

Selective Licensing: Licensing Conditions

The licensing conditions for the scheme will be a mix of mandatory conditions, which are applicable to mandatory HMO licensing and a range of discretionary licensing conditions, which will be for 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 a Gas Safety Certificate issued within the previous 12 months at the time of the application and thereafter annually or on demand.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004

2 Electrical Appliances

The Licence Holder must keep all electrical appliances and furniture supplied in a safe condition and must provide a declaration as to their safety at the time of application and thereafter on demand.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004

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.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004

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 Scarborough Borough 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.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004

5 Carbon Monoxide Alarms

The Licence holder must ensure that a carbon monoxide alarm is installed in any room which is used wholly or partly as living accommodation and contains a solid fuel combustion appliance. A declaration as to the positioning of such alarms must be supplied to the Council on demand. Note: Room includes a hall or landing. A bathroom or lavatory is to be treated as a room used for living accommodation.

The Licence holder must ensure that the carbon monoxide alarms are kept in proper working order. A declaration as to the proper working order of such alarms must be supplied to the Council on demand.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004

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.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004

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.

Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004

Additional Conditions of Licence imposed by Scarborough Council

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

8 Numbers of Occupiers

The Licence Holder must ensure that rooms other than bedrooms are not used for sleeping purposes. The Licence Holder must not allow the property to become over-crowded and must take steps to deal with any serious over-crowding.

Reason: to ensure that the premises comply with the space and amenity standards- see Scarborough Borough Council Amenity and Space Standards guidance.

9 Heating and Insulation/Energy Efficiency

The Licence Holder is required upon request by the authority during the period of the licence issued, to complete and return to the authority, an energy efficiency assessment questionnaire of the licensed property.

A suitable controllable fixed heating system to be provided to all licensed property.

Reason: To ensure homes are adequately heated and to safeguard the health and well-being of the occupants with regards to the reduction of fuel poverty and national energy efficiency measures and to be aware of the statutory requirements for Energy Performance Certificates (EPCs).

10 Property Management

The Licence Holder must ensure that:

- All repairs to the house or any installations, facilities or equipment within it are carried out by competent and reputable persons within reasonable timescales.
- All occupants of the house receive written confirmation detailing arrangements in place to deal with repairs and emergencies and report nuisance and anti-social behaviour.
- If accommodation is provided on a furnished basis and includes electrical appliances, the Licence Holder must provide the occupier with copies of user manuals or equipment provided as part of the agreement for the occupation of the house.
- All occupiers are made aware of the licence and conditions.
- Written confirmation is provided to the Council of who is responsible for the management of the building.
- That any tenancy is let to a new tenant in a lettable condition suitable for immediate occupation.
- A notice is displayed in the common parts of a house in multiple occupation or block of flats with the name and contact details of the manager.

Reason: to safeguard the health, safety and well- being of occupants

11 Fire Safety

The Licence Holder must ensure that the property has adequate provision for fire precautions and smoke alarms for the type of property and its occupation.

The licence holder must produce a Fire detection and alarm certificate for automatic fire detection systems demonstrating that the system is in proper working order to the Council on request.

CO alarms: see mandatory condition above in respect of CO alarms.

Reason: to safeguard the health, safety and well being of occupants in the event of fire. The Fire Safety Guidance is provided by LACORS, see http://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf

12 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.

- That all ground floor and basement windows have suitable window locks or are fully secured to prevent access from outside.

Reason: to safeguard the health, safety and well-being of occupants in the event of fire and entry by intruders.

13 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 yet 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 adequate, external, refuse storage.

Reason: to ensure that the domestic hygiene and condition of the licensed property is maintained

14 Training

The Licence Holder and/or Manager shall undertake property management training courses where required to do so by the authority.

Reason: to enable the Council to ensure that licence holders have the knowledge and expertise to improve the management of their properties.

15 Management/ 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 written action plan to Scarborough Borough Council outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually and submitted on request.
- Obtain tenant references prior to granting a tenancy as to previous tenancy conduct, including behaviour of that of the proposed occupier and household.
- If a Licence holder receives a reference request for a current or former tenant for the purposes of an application to rent a property from another Licence Holder he must respond to the request in writing within a reasonable period and either i) decline the request for a reference ; or ii) when giving a reference state whether or not he is aware of any allegations of anti-social behaviour made against the tenant and if such allegations have been made give details of the same including details of whether (to his knowledge) the allegations have been admitted or have been found proven in any court or tribunal.

- Cooperate with Scarborough Borough 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 will be required.
- 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.
- Ensure that each tenant is made aware that they are responsible for their own behaviour and the behaviour of other occupiers and visitors. Tenants must be made aware that if they, other occupiers, or their visitors: Cause nuisance or annoyance to neighbours; or use abusive or threatening language or behaviour to neighbours; or fail to store or dispose of refuse properly; or cause damage to fixtures, fittings, fire prevention or alarm equipment or installations, or to the fabric of the premises; or fail to give access to the landlord or his agent for the purpose of maintaining communal areas or, upon reasonable notice, to inspect or undertake works within their accommodation. They will be liable to enforcement action which may include possession proceedings either under the terms of the tenancy, pursuant to s.21 of the Housing Act 1988 or pursuant to Grounds 13 or 14 of Schedule 2 to the Housing Act 1988.

Reason: to safeguard the well-being of occupants, persons visiting the premises and persons in the immediate locality.

16 Notification/Consultation of Changes

The Licence Holder and managing agents must consult with Scarborough Borough Council before making any material changes to the layout, amenity provision, fire precautions or occupation of the house and must inform Scarborough Borough Council of:

- Details of any unspent convictions not previously disclosed to the Local Authority that may be relevant to the Licence Holder and/or the property manager 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;
- 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;
- Details of any contravention on the part of the Licence Holder or manager 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;
- Information about any property the Licence Holder or manager 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;

- Information about any property the Licence Holder or manager 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;
- Notification of repossession/foreclosure
- Successful claims against the licence holder for default of tenancy deposits.
- Change in owner, manager, managing agent or the instruction of a managing agent;
- The undertaking of substantial works to the property, including conversions and modernisations or emergency problems relating to fire, flood or disaster and the tenants are made temporarily homeless.

Reason: to safeguard the health, safety and well- being of occupants in the event of changes during the period of the licence.

17 Absence

The licence holder is required to have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details of the licence holder and/or manager must be supplied to each occupier and must also be on display in a prominent place.

Reason: to safeguard the health, safety and well- being of occupants in the event of temporary absence of persons in control.

18 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.

Reason: To ensure that the property complies with the Housing Act 2004 and licence conditions.