

Appendix 1: Draft Selective licensing conditions

This document contains the conditions that could form part of a property licence for a Selective Licensing Scheme. Conditions that are mandatory are required to be included by Housing Act 2004. The law also allows council's to apply discretionary conditions to regulate the management, use or occupation of the house.

The licence holder must ensure that the premises fully comply with each of the conditions in sections 1-15 unless specific alternatives are notified and agreed with the case officer.

Failure to comply with any condition may result in legal proceedings including fines up to £5,000 and loss of the licence.

Definitions

'The council' refers to Brighton & Hove City Council.

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

'House' means the house, flat or bungalow that is the subject of the licence.

1. References

- 1.1 The licence holder must obtain references for prospective tenants.
- 1.2 It is understood that in certain circumstances it may not be possible to obtain a reference i.e. where it is a first tenancy or newcomer to the UK. In these circumstances you must provide evidence that you have explained, and the tenant understands the implications of them not adhering to tenancy conditions.

2. Tenancy Management

- 2.1 The licence holder must give occupiers a written statement of the terms on which they occupy the house (tenancy agreement). Details of the arrangements in place to deal with repair and emergency issues should also be provided when the tenancy agreement is signed, as well as how to report nuisance and anti-social behaviour.
- 2.2 The licence holder must make a copy of the tenancy agreement available before the house is let so that tenants can read it before being asked to sign. It also gives the tenants the opportunity to get independent advice before signing.
- 2.3 Copies of the written statement of terms must be provided to the council for inspection within 28 days upon demand.

3. Overcrowding

- 3.1 The licence holder must not allow anyone to live or stay in the house if it will become overcrowded. The licence will state how many people can live in the house.
- 3.2 Tenants must be informed that they must not allow guests to sleep in their homes, except on an occasional short term basis, if it will exceed the permitted numbers shown on the licence. Short term or occasional e.g. two week period for visiting friends and family.

4. Utility supplies

- 4.1 The licence holder must not unreasonably cause a supply of gas, electricity or water to the house to be interrupted.
- 4.2 The licence holder must ensure that the tenant is able to access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the dwelling at reasonable times during the course of the tenancy and a final reading at the end of the tenancy. The licence holder must supply to the tenant a written document describing the location of the utility meters and access arrangements when the tenancy is signed.

5. Gas

- 5.1 If gas is supplied to the property, the licence holder must obtain a gas safety check annually, carried out by a Gas Safe registered engineer. A copy of the current gas safety certificate must be provided to the council at the time of the licence application and annually thereafter or within 7 days of being demanded by the council. The safety of the gas installation and appliances must be maintained.
- 5.2 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 (This includes halls, landings, bathrooms and lavatories)
- 5.3 The licence holder must ensure that any carbon monoxide alarm installed in any room in the house must be kept in proper working order.
- 5.4 The licence holder must supply the council within 28 days of a request a declaration by him/her as to the condition and positioning of any such carbon monoxide alarm.

6. Fire Safety

- 6.1 The licence holder must ensure that smoke alarms are installed in the house. The alarms must be kept in proper working order and a declaration as to their

condition and position must be provided to the council within 28 days of a demand.

7. Electrical Appliances

7.1 The licence holder must ensure that electrical appliances made available in the house by him/her are kept in a safe condition.

7.2 Within 7 days of the council's demand, the licence holder must supply a declaration as to the safety of the electrical appliances made available by him/her at the house.

7.3 The fixed electrical wiring and installations must be certified as safe by an electrician qualified to undertake the test at least every 5 years, unless otherwise indicated on the previous inspection to be sooner, and must be to a 'satisfactory' standard. The licence holder must provide a valid certificate of testing within 3 months from the date the licence is issued.

8. Furniture and Furnishings

8.1 The licence holder must ensure that furniture and furnishings made available by him are in a safe condition and comply with current fire safety legislation. A declaration as to their safety should be made at the time of application and thereafter on demand within 28 days.

9. Energy Efficiency

Energy Performance Certificates (EPC) give information on how to keep the house more energy efficient and reduce carbon dioxide emissions. The licence holder shall ensure that the house has a valid EPC where applicable and that a copy is supplied to the tenant. The licence holder must supply a copy of the EPC to the council within 28 days of demand.

10. Property Management

10.1 The licence holder must ensure all reasonable and practical steps are taken to respond to repair and maintenance issues at the house and that any works to deal with repairs are undertaken within a reasonable period of time.

10.2 The licence holder must ensure that

- The house is kept in a good state of repair and free from significant hazards that could affect the health and safety of tenants, occupiers and visitors to the property
- The house is secure by carrying out any emergency work necessary to protect the security of the house within 24 hours of notification e.g. damage to windows/entrance points to the house

- The exterior of the house is maintained in a reasonable decorative order, and in a good state of repair
- The exterior of the house and boundary walls, fences and gates etc are kept free from graffiti
- Gardens, yards and any external areas within the boundary of the house are kept in a reasonably clean and tidy condition and free from rodent infestation.

11. Property inspections

- 11.1 The licence holder must ensure that inspections of the house are carried out at least every six months to identify any problems relating to the condition and management of the house. The records of such inspections must 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 actions(s) taken. Copies of these must be provided to the council within 28 days of demand.

12. Waste and Recycling

- 12.1 The licence holder should give new tenants the following information on waste and recycling in the property. The information should be clearly displayed within the house.

- The collection days for the refuse and recycling bins for the house
- Details on what they can and cannot recycle
- How they can dispose of bulky waste and the penalties for fly tipping

- 12.2 The licence holder should ensure suitable and adequate provision is made available at the start of a tenancy for storage of refuse generated in the house.

- 12.3 The licence holder should ensure that at the end of each tenancy any rubbish or unwanted household goods left behind should be removed and disposed of appropriately before the start of the next tenancy. In particular any rubbish or goods left in the front or back garden or the pavement in front of the property should be immediately removed.

13. Anti-Social Behaviour (ASB)

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

- Ensure the tenancy agreement includes provision for dealing with anti-social behaviour
- Co-operate with the council and Sussex Police in resolving complaints of anti-social behaviour

- Undertake an investigation of any complaints regarding their tenants and decide on appropriate action in consultation with the Police and council if either organisation is also involved in addressing the complaints. Written records of the investigations will be required
- If a complaint regarding ASB is received or discovered by the licence holder then the tenant must be contacted in writing within 14 days and informed of the allegations of ASB and of the consequences should it continue
- If after 14 days of giving a warning the tenant has failed to adequately to address the ASB so that it is continuing the licence holder must take appropriate formal steps under the tenancy agreement, including where necessary taking legal proceedings to address the ASB, in consultation with the Police and council if either organisation is also involved in addressing the complaints.
- Where the licence holder has reason to believe that the ASB involves any serious offences (as specified in Schedule 2A of the Housing Act 1985) the licence holder must ensure that the police are informed.

Further information on dealing with anti-social behaviour can be given by the council's Community Safety Team (email communitysafety.casework@brighton-hove.gov.uk or 01273 292735) whilst the council's Housing Options Team (housing.advice@brighton-hove.gov.uk or 01273 294400) can provide help and advice about tenancy issues.

14. Notification of changes

- 14.1 The licence holder must inform the Private Sector Housing Team directly, in writing or by email of the following within 28 days of the change occurring
- Any change in the ownership or management of the property
 - Any change in address, email or telephone number for the licence holder and/or agent
 - Any change to their or the manager's circumstances which could affect their fit and proper person status
- 14.2 The licence holder must advise the council's Private Sector Housing Team directly, in writing or by email of any changes in the construction, layout, fire precautions or amenity provision of the house that would affect the licence or licence conditions at least 28 days before starting work.
- 14.3 The address of the licence holder given on their application form (or a subsequent address provided by the licence holder) will be used as the address for the service of any letter, notice or other document between the council's Private Sector Housing Team and the licence holder.

15. Licence limitations

- 15.1 Licence transfer – Licences can not be transferred to another person or organisation or property.
- 15.2 Registered companies – If the licence holder is a registered company and it is dissolved whilst the licence is in force, the licence ceases to be in force on the date of dissolution.
- 15.3 Planning Permission – The property licence does not grant any planning approvals, consents or permissions – retrospectively or otherwise - under the Town and Country Planning Act 1990 or any related legislation
- 15.4 Building Control – The property licence does not grant any Building Control (Development Control) approvals, consents or permissions - retrospectively or otherwise.

Information and further advice

Up to date information on council services is available on the website at www.brighton-hove.gov.uk

Further information on HMO licensing is available on the council's website. For help and advice advise telephone 01273 293156 or email psh@brighton-hove.gov.uk.

For help and advice on noise nuisance telephone 01273 294266 or email EHL.environmentalprotection@brighton-hove.gov.uk.

For help and advice on dealing with antisocial behaviour telephone 01273 292735 or email communitysafety.casework@brighton-hove.gov.uk

For help and advice about any tenancy issues telephone the Housing Options Team on (01273) 294400 or email housing.advice@brighton-hove.gov.uk.

For help and advice on storage and collection of waste and recycling telephone (01273) 292929 or email at cityclean@brighton-hove.gov.uk.

For help and advice on fire and furnishings telephone 08454 040506 or email trading.standards@brighton-hove.gov.uk.

If the HMO comprises bedsits and or self-contained flats you may be required to carry out a Fire Safety Risk Assessment in accordance with the Regulatory Reform (Fire Safety) Order 2005. Further information can be obtained from the East Sussex Fire and Rescue Service on 0845 130 8855 or www.esfrs.org. Detailed written guidance can be found in the Government's guide to fire safety in buildings where there are "sleeping risks". This can be obtained from bookshops, The Stationery Office Online (www.tsoshop.co.uk) or see the Government web site <http://www.firesafetyguides.communities.gov.uk> for details of how to download it.

For advice on Energy Performance Certificates see the website www.direct.gov.uk

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