

LANCASTER CITY COUNCIL

Selective Licensing Conditions
(Housing Act 2004)

In these conditions 'house' refers to the building or part of a building which is licensed in accordance with Part 3 of the Housing Act 2004.

1. Mandatory Conditions: Schedule 4 of the Housing Act 2004

1.1 Gas Supply

If gas is supplied to the house the licence holder must provide to Lancaster City Council a gas safety certificate issued by a Gas Safe Registered engineer, within the previous 12 months at the time of the application and thereafter annually or on demand.

1.2 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.

1.3 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.

1.4 Smoke Alarms

The Licence Holder must ensure that smoke alarms are installed in the property and kept in proper working order and provide a declaration as to their condition and positioning to Lancaster City Council on demand.

1.5 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.

1.6 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 Lancaster City Council.

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

2 Notification/Consultation of Changes

The licence holder shall:

- inform Lancaster City Council (The Authority) if they no longer reside at the address given and provide The Authority with new address details within 21 days of a change.
- inform The Authority if there is a change in managing agent, within 21 days of such a change.
- If the licence holder is a managing agent they must inform The Authority if the person who is specified as the main contact ceases to be employed by them and inform the authority of a new contact, within 21 days of such a change.
- If the licence holder is a managing agent they must inform The Authority if they cease to have an interest in the property, within 21 days of such a change.

Fit and proper person

The licence holder shall:

- inform The Authority if since becoming the licence holder he contravenes any of the below sections 2.3(a) – (d). This must be done within 21 days of such a contravention.

The following are the criteria by which The Authority assessed whether the licence holder or manager is a fit and proper person.

- a) Committed an offence involving
 - I. Fraud
 - II. Dishonesty
 - III. Violence
 - IV. Drugs
 - V. Sexual Offences Act Schedule 3
- b) Practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in connection with a business.
- c) Contravened any provision of housing or landlord and tenant law. In particular:
 - I. subject to proceedings by a local authority
 - II. where the local authority has had to carry out works in default
 - III. subject to a management order under the Housing Act 2004
 - IV. Or been refused a licence or breached conditions of a licence.
- d) Acted in contravention of any Approved Code of Practice.

3 Management of the property

3.1 General

The licence holder shall:

- ensure that arrangements are in place for regular inspection of the premises to ensure that fire escapes and fire alarm systems are in good order and that common areas including external yard and garden areas are clean and tidy.
- Ensure that all repairs to the house or any installations, facilities or equipment within it are carried out by competent and reputable persons
- Ensure that if accommodation is provided on a furnished basis and includes electrical appliance, copies of user manuals or equipment provided as part of the agreement for occupation of the house are provided.
- Ensure that all occupiers are made aware of the licence and conditions.

3.2 Occupancy

The licence holder shall:

- Ensure that rooms other than bedrooms are not used for sleeping purposes
- not allow occupancy levels to exceed those set by The Authority and indicated on the licence.
- If the property is a house in multiple occupation (HMO), ensure that the house is compliant with Lancaster City Council's approved standards for Houses in Multiple Occupation. These standards will be reviewed periodically to ensure that they remain appropriate to the type of multi occupied housing within the Council's area and needs of residents. Copies can be obtained from Private Housing Services.

3.3 Safety

The licence holder shall:

- ensure that the installation of the automatic fire detection system and emergency lighting is in accordance with standards set by The Authority in consultation with the Fire Authority and appropriate to the design of the property.
- inform the authority of any changes to the positioning or type of some alarm fitted in the property.
- ensure that all means of escape from fire in the house and all apparatus, systems and other things provided by way of fire precautions are in and are maintained in good order and repair and are kept free from obstruction.
- 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 and to keep any such alarm in proper working order and to

supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.

- keep electrical appliances (supplied by him to the occupier) in a safe condition and supply to the authority at the time of application and thereafter on demand, with a declaration by him as to the safety of such appliances. This should be in the form of a test certificate from a competent electrician, a copy of which must be available for inspection by the tenants.
- supply to the authority at the time of application and thereafter on demand, a copy of a periodical electrical safety certificate for the electrical installation. This should be carried out by a competent electrician and a copy of this must be available for inspection by the tenants.

3.4 External areas, refuse and waste

The Licence Holder shall:

Ensure that the:

- a) the exterior of the property is maintained in a reasonable decorative order and state of repair and does not adversely affect the amenity or character of the area
- b) At all times any gardens, yards and other external areas within the curtilage of the house are kept in a reasonably clean and tidy condition and free from rodent infestation, and
- c) Suitable and adequate provision is made for storage of refuse generated in the property and that arrangements for storage, recycling and collection of refuse are as required to ensure compliance with local authority arrangements in that area, that occupants are made aware of those arrangements and that failure to comply with them is made a breach of the terms of their tenancy or licence.
- d) Access is available at all times to adequate, external, refuse storage.

3.5 Security.

The Licence Holder shall:

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.

- ensure that where window locks are fitted, keys are provided to the relevant occupant.
- ensure that where a burglar alarm is fitted to the house the occupant is informed in writing the details on how the code for the alarm can be changed and under what circumstances, and provide details when required on how this can be arranged.
- ensure that where previous occupants have not surrendered keys arrange for a lock change to be undertaken, prior to new occupants moving in.
- ensure that where alley gates are installed to the rear of the licensed property, take responsibility for holding a key and make satisfactory arrangements for the occupiers access.

3.5 Management of Anti-social behavior

The licence holder shall:

ensure that all steps as are reasonable and practical are taken to prevent either the existence of the house or the behaviour of the occupants from adversely affecting the amenity or character of the area in which it is situated, and use of the premises for illegal purposes.

The licence holder must:

- Provide a written action plan to Lancaster City 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 Lancaster City Council, Lancashire Constabulary 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.
- 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.
- 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;
 - Use abusive or threatening language or behaviour to neighbours;
 - 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;
 - 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 accommodationthey 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.”

3.5 Information to be displayed

The licence holder shall:

- ensure that his/her name, address and telephone number or that of his manager are displayed in the property and in the case of an HMO in the common parts.
- have in place suitable emergency and other management arrangements in the event of their absence
- ensure that tenants are given clear advice on what action is to be taken in the event of an emergency and given contact details

- ensure that tenants are given clear advice on management arrangements in the event of their absence,

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