

Gainsborough South West Ward Selective Licensing Scheme

Conditions of License

Licence Conditions will be imposed as part of the licensing scheme. Mandatory conditions are shown below, followed by additional conditions, which the council believes are also required.

(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 required by Schedules 4 & 10 of the Housing Act 2004

- a) **Gas** – if gas is supplied to the house the licence holder must provide to West Lindsey District Council a Gas Safety Certificate issued within the past 12 months at the time of application and thereafter annually or on demand
- b) **Electrical Appliances** – the licence holder must ensure that any electrical appliances made available within the property are kept in a safe condition and must supply to the Council, upon demand, any declarations relating to their condition.
- c) **Furniture and Furnishings** – the licence holder must ensure that any furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire Safety) regulations 1988 (as amended) and must provide a declaration as to their safety at the time of application
- d) **Electrical Installations** – the licence holder must ensure that every electrical installation in the property is safe for continued use and must provide a declaration to the Council as to the safety of such installations on demand.
- e) **Smoke Alarms** – the licence holder must ensure that smoke alarms are installed on every floor of the property used for living accommodation and kept in proper working order. A declaration as to their condition and positioning must be provided to West Lindsey District Council on demand
- f) **Tenant References** – the licence holder must demand references from persons who wish to occupy the property and must provide evidence to West Lindsey District Council upon request that pre letting reference checks have been undertaken. Where the tenant has rented a property in the UK in the last 2 years these checks shall include a landlord reference, which will include information on the tenants conduct and behaviour.

- g) Terms of Occupation** – the licence holder must supply to the occupiers of the house a written statement of the terms under which they occupy the property. Any tenancy agreement must comply with current legislation.
- h) Tenancy Deposit Protection** – the licence holder must comply with all the requirements of the tenancy deposit protection scheme covering tenants' deposits

2. Additional conditions required by West Lindsey District Council

a. Management arrangements – the licence holder must ensure that:

- i.** they are suitably located to the licensable property or have arrangements in place to ensure adequate management, especially with regards to accessing the property, anti-social behaviour, arranging repairs and being available to tenants.
- ii.** they provide the Council and any of its tenants with accurate and up to date contact details. This shall include contact details for out of hours emergencies. The Council will look at each application individually but would consider an overseas licence holder as inappropriate and expect a local managing agent to be employed.
- iii.** they have suitable funding arrangements in place to deal with repairs etc. Therefore the application process will require the licence holder to declare they have suitable financial management procedures in place to ensure funds or appropriate insurances are available for any repairs or emergency remedial works.

b. Fire Safety – the licence holder must ensure that;

- i.** West Lindsey District Council are informed of any changes to the positioning of smoke alarms, and if the property is a house in multiple occupation, produce a fire detection and alarm certificate annually.
- ii.** if the main means of escape within the property is through the living room or kitchen, the licence holder will fit at least one means of escape window on the first floor in a room which is not directly above the kitchen

c. Property Management – the licence holder must ensure that:

- i. all repairs to the house, installations, facilities or equipment within it are carried out by competent & reputable persons, who are government regulation compliant where appropriate
- ii. all occupants of the house receive written confirmation detailing the arrangements for repairs, emergencies and reporting anti-social behaviour and nuisance
- iii. the relevant occupier(s) is/are provided with copies of user manuals for equipment provided as part of the agreement for the occupation of the house
- iv. all occupiers are made aware of the licence and conditions and that the conditions are displayed prominently within the property.
- v. the house is not overcrowded and if the licence holder becomes aware of overcrowding, they must take all reasonable steps to deal with the issues and advise the Council of the actions taken.

d. Security – the licence holder must ensure that:

- i. the security provisions for 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.
- ii. where window locks are fitted, keys are provided to the relevant occupier
- iii. where a burglar alarm is fitted the relevant occupier is shown how to use the system and informed in writing as to the arrangements for getting the alarm code changed
- iv. where previous occupants have not surrendered keys, arrange for locks to be changed prior to new occupants moving in
- v. where alley gates or specific local security measures are installed to the property that satisfactory arrangements are in place for the occupiers access
- vi. the rear and side boundaries of the property are in a good state of repair and lockable, with keys provided to the tenants.

e. External areas, refuse and waste – the licence holder must ensure that:-

- i. 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, waste accumulation and fouling from pets.

- ii. adequate space and provision is made for storage of refuse and recyclables generated in the property.
- iii. all occupants are made aware of West Lindsey's waste and recycling collection services and that this information is displayed prominently within the kitchen of the property.

f. Anti-social behaviour – the licence holder must:

- i. take all reasonable and effective steps to reduce anti-social behaviour by persons occupying or visiting the house and must not permit the use of the premises for illegal purposes. In support of this the Licence Holder must:
- ii. confirm on request the steps being taken to deal with an incident of anti-social behaviour at or in vicinity of the property.
- iii. co-operate with West Lindsey District Council, Lincolnshire Police and other agencies in resolving complaints of anti-social behaviour
- iv. ensure that all tenants are issued with and sign a copy of the "Anti-Social Behaviour Agreement" upon the commencement of the tenancy and provide a copy of this to the Council and the tenants.

g. Management – the licence holder must ensure that:

- i. they undertake a detailed inventory in agreement with each occupant upon commencement of their occupation of the house. The inventory must be signed and dated by both parties and copies provided to the tenant.
- ii. they act lawfully and reasonably in requiring any advanced payments from occupiers, in handling rents, in returning deposits and in making deductions from deposits. The Licence Holder will provide any occupiers/prospective occupier with the following information:
 - a. The amount of rent payable;
 - b. The details of any deposit required;
 - c. Details of what the deposit covers and arrangements for return;
 - d. The frequency of payments;
 - e. The details of any utilities or other charges included in the rent;
 - f. The responsibility for payment of Council Tax;
 - g. The responsibility for payment of utilities and arranging provision of such.

- h. The obligation of the tenant in ending the tenancy including condition of the property and payment of any utility bills at the end of the tenancy.
 - iii. make inspections of the property, not less than twice yearly 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
 - iv. upon receiving a reference request for a current or former tenant for the purposes of an application to rent the property of another Licence Holder, he/she must respond in writing within a reasonable period and not give any false statement
 - v. tenants are aware that if they, other occupiers or their visitors, cause nuisance or annoyance to neighbours; use abusive or threatening behaviour or language to neighbours; fail to store or dispose of refuse correctly; cause damage to fixtures, fittings, alarm equipment, installations or to the fabric of the premises; fail to give access to the landlord or his/her agent for statutory purposes, they may be liable to enforcement action.
 - vi. allow the Council to undertake compliance checks. Council Officers will normally give the licence holder 24 hours notice of the checks and produce valid identification at the time of the visit. (Note in circumstances where the Council suspect a breach of certain laws, regulation or other statutory requirements, notice of inspection is not required and Officers may use the Powers of Entry delegated to them)
- h. Notification of changes/consultation** - the licence holder must inform West Lindsey District Council of:
- i. details of any unspent convictions not previously disclosed to the Council that may be relevant to the Licence Holder/Managing Agent as regards their fit and proper status
 - ii. details of any finding by a court, not previously disclosed, against the Licence Holder/Managing Agent as regards unlawful discrimination
 - iii. details of any contravention, not previously disclosed, on the part of the Licence Holder/Managing Agent relating to housing, public health, environmental health or landlord/tenant law which led to a judgement being made in civil or criminal proceedings
 - iv. information about any property that the Licence Holder or Managing Agent either owns or manages, or has owned or managed where a other local authorities have refused to grant a

licence under part 2 or 3 of the Act or has revoked a licence as a consequence of a breach of conditions

- v. the property becoming empty for more than 3 months
- vi. notification of repossession/foreclosure/sale
- vii. successful claims against the Licence Holder for default on tenancy deposits
- viii. change in Managing Agent or appointment of a Managing Agent, along with new contact details for all parties
- ix. the undertaking of substantial works to the property or emergency problems such as fire, flood etc. and the tenants are made temporarily homeless

i. Competency of licence holder

- i. all Licence Holder's will be expected to show that they are a 'fit and proper person' to be given a licence. West Lindsey District Council will look at whether they have:
 - Committed any serious criminal offences (fraud, violence, drugs or sexual offences)
 - Discriminated illegally against anyone
 - Breached laws that relate to renting property
- ii. The licence holder and/or their manager shall undertake property and/or tenancy management training courses where required to do so by the authority, or otherwise demonstrate competency in relation to all aspects of tenancy and property management.

Notes:

- a) The Council will adopt a common sense approach and exercise its discretion reasonably and proportionately in relation to applying 'fit and proper' tests and in accordance with Section 89 of the Housing Act 2004. A licence may be revoked if the Council no longer considers the licence holder to be a fit and proper person to be the licence holder.
- b) The council will also determine whether the Landlord/Managing Agent/Licence Holder is the most appropriate person to be given a licence depending on their interest and involvement in the property.

- c) The Council will take a reasonable and proportionate approach within the licensing process on standards and conditions and will work with landlords to ensure compliance as far as reasonably possible.