

London Borough of Lewisham

Selective Licensing Schemes

Proposed Standard Conditions

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# Selective Licensing Schemes Proposed Conditions

March 2020

## Standard Conditions for Licences granted under Part 3 Housing Act 2004

### Definitions

In these proposed licence conditions:

- a. "Selective licensed property" refers to the building or such part of it as is licensed under Part 3 of the Housing Act 2004;
- b. "Local Authority" or "Local Housing Authority" refers to the London Borough of Lewisham;
- c. "Licence Holder" refers to: (a) the person or the legal entity the Authority has granted this licence to; and (b) from the date of their consent, any other person or legal entity who agrees to comply with the licence restrictions and obligations that follow; and
- d. "Mandatory Licence Conditions" refers to conditions that the Authority is obliged to impose under any licence granted under Part 2 Housing Act 2004 by virtue of Schedule 4 of that Act.

Below includes local conditions to support enforcement of selective licence conditions for all selective designations.

### Licence conditions

#### Occupation

##### *Written Statement of terms and conditions*

1. The licence holder must ensure all parties to the tenancy agreement are provided a written statement of the terms and conditions of occupation at the start of their tenancy, and must satisfy themselves that the tenant has understood their rights and responsibilities.

*The licence holder must provide the local housing authority with a copy of any such statement or statements and how they were satisfied that the tenant understood their rights and responsibilities within 28 days on demand.*

##### *Advice and documentation for tenants*

2. At the start of each tenancy, the license holder must ensure that
  - a) Occupants are given appropriate fire safety advice regarding the means of escape in case of fire and other fire precautions. In particular, the importance of keeping fire doors closed and keeping the escape route clear, plus how to use the fire alarm system, fire extinguishers and fire blankets.
  - b) A full inventory must be carried out at the start of each tenancy. The inventory must include all areas exclusively occupied by the tenant and the tenant must be provided with a signed copy and must be asked to sign an agreement that the inventory is correct.
  - c) Occupiers are given a written rent receipt within 7 days of receiving the rent, where rent or licence fees are collected or received in cash. This can be an email or written invoice confirming to the tenant, the date and amount paid. Copies of the rent receipts and records must be provided to the Authority within 28 days on demand.
  - d) All parties to the tenancy agreement must receive a written notice about how they should deal with repair and maintenance issues and with emergencies, should they

arise. Copies of the written statement of terms must be provided to the Authority within 28 days on demand.

3. Tenants must be told who is responsible for holding their deposit. If part of the deposit is to be withheld at the end of the tenancy, the tenant must be given a full written breakdown of defects and associated costs to explain why the deposit has been withheld.

## Health and safety

### Gas safety

1. If gas is supplied to the property, a Gas Safe certificate must be submitted annually to the Council. The gas safety certificate must relate to the whole gas installation and include all gas appliances. It must demonstrate that all appliances have been serviced and safety checked within the previous twelve months. Any defects noted on the certificate must be promptly rectified.

*The licence holder must demonstrate to the local housing authority that they must have held a valid gas safe certificate for the duration of the licence. This will involve services and certifying the whole gas installation, including all gas appliances, annually.*

### Appliances

2. All portable electrical appliances provided by the landlord must be maintained in a safe condition and proper working order. Portable Appliance Testing (PAT) should be carried out every twelve months with records kept for at least five years. Any necessary maintenance or repair work must be undertaken by a competent electrical engineer. Copies of all maintenance records and PAT testing may be provided to the Council within 14 days of request.

### Furniture

3. All furniture and furnishings provided in the house must be kept in a safe condition and must comply with the current furniture and furnishings fire safety regulations. A declaration of furniture safety must be provided to the Council on request.

### Smoke alarms

4. With regards to smoke alarms, the Licence Holder must ensure that:
  - a) A smoke alarm is installed on each storey on which there is a room used wholly or partly as living accommodation; and that,
  - b) Each such alarm is kept in proper working order; and that,
  - c) On demand, the Authority is supplied with a declaration by them as to the condition and positioning of any such alarms; and that
  - d) The installed smoke alarms are appropriate to the house (see below).

*For the purpose of this condition, bathrooms and lavatories are treated as rooms used as living accommodation.*

*Licence holders and property owners are strongly advised to take professional advice about fire safety and the installation of appropriate alarms systems. A written fire risk*

assessment may be helpful. The London Fire Brigade provide advice on appointing a Fire Risk Assessor and on fire safety generally [here](#).

#### *Carbon monoxide (CO) alarms*

5. The Licence Holder must ensure that:
  - a) 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;
  - b) any such alarm is kept in proper working order; and
  - c) the local authority is, on demand, supplied with a declaration by them as to the condition and positioning of any such alarm within 14 days of any request

*For the purpose of this condition, "room" includes halls and landings; and bathrooms and lavatories, all of which are treated as rooms used as living accommodation.*

#### *Electricity and remedial works*

6. The electrical installation must be maintained in a safe condition and proper working order. A full electrical safety inspection must be carried out at least every five years, or sooner if indicated in the report, and an NICEIC or other equivalent electrical safety certificate obtained. Any necessary maintenance or repair works must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations.

*Copies of the electrical certificate must be provided to the Council on request.*

### **Tenancy management**

#### *References*

7. The Licence Holder must ensure that references are demanded from and in respect of all persons who wish to occupy the house. If the licence holder chooses to allow an individual who cannot provide references to occupy the property they must record their reasons for doing so. These reasons must be provided to the council within 28 days of any request

*Copies of obtained references are retained for the duration of the licence and that the Authority is provided with a copy of any such references and records within 28 days, on demand.*

*These conditions apply to any agreement made on or after the licence is granted.*

#### *Inventories*

8. A full inventory must be carried out at the start of each tenancy. The inventory must include all areas exclusively occupied by the tenant and the tenant must be provided with a signed copy.

#### *General and out of hours contact details*

9. The licence holder must ensure that occupants of the property receive written notice on how they should deal with repair and maintenance issues and with emergencies should they arise. This notice must include a contact number and an email address to enable the tenants to report urgent issues out of normal business hours.

*Copies of the written statement of terms must be provided to the Authority within 28 days of any request. The licence holder must satisfy himself that each occupant had understood this process and retain written records of how they were so satisfied. These records must be produced to the authority within 14 days of request.*

10. The Licence Holder must ensure that occupants receive written notice about how they should deal with repair and maintenance issues and with emergencies, should they arise. This notice must include a contact telephone number and email address to enable tenants to report urgent issues.

*Copies of the written statement of terms must be provided to the Authority within 28 days upon demand.*

#### *Antisocial Behaviour (ASB)*

11. The licence holder shall put in place written ASB procedures detailing how complaints made to the licence holder will be dealt with, a copy of which shall be provided to the tenants in the information pack. The licence holder shall within seven (7) days of any demand by the council provide their written ASB procedure.
12. The Licence Holder must ensure that all reasonable and practicable steps are taken to prevent and deal effectively with anti-social behaviour [ASB] resulting from the conduct of occupiers or visitors. The Licence Holder must comply with the requirements of paragraphs (a) to (f) below (If the Licence Holder has an agent it is still the Licence Holder's responsibility to ensure their agent acts on their behalf in compliance of the conditions):
  - a) The Licence Holder must ensure that the occupiers are provided with a document advising them (amongst other things) what behaviour is not acceptable, that they are responsible for the conduct of their visitors, the impact on the victims and local community, and of the consequences of ASB to their tenancy.
  - b) The Licence holder will take appropriate measures up to and including the service statutory notice and eviction to deal with anti-social behaviour. Where ASB includes criminal offences, the Licence holder will involve the police.
  - c) Any letters, emails, legal notices or other documents relating to ASB, which are sent or received by the Licence Holder, or the agent on behalf of the Licence Holder, must be copied and kept for 5 years by the Licence Holder.
  - d) The Licence Holder shall co-operate with the Police and Authority in resolving ASB in any licensed property under their control. Such co-operation includes attending or being represented at any case conferences or multiagency meetings and providing information to the Police or the Authority when requested.
  - e) Any correspondence, letters and records referred to in conditions (a) to (e) must be provided by the Licence Holder to the Authority within 28 days on demand.

#### *Property management and compliance*

13. Any licence holder must be a "fit and proper" person. This means he/she must not have:
  - a. convictions for serious violent, sexual, dishonesty or drugs offences,
  - b. findings made against him/her that he has practiced unlawful discrimination against any person or persons who have protected characteristics, or,

- c. has convictions or findings of fact that he has contravened housing or landlord and tenant law

*Changes to fit and proper/ownership/management/design and layout*

14. The Licence Holder must ensure that the local housing authority is informed within 28 days of any material changes in their own circumstances and, within 28 days of becoming aware of them, of any known and material change in the circumstances of any person managing or involved in the management of the property, such as:

- a) details of any unspent convictions not previously disclosed to the Authority that may be relevant to the Licence Holder or the property manager or the status of either of them as a 'fit and proper person', including in particular a conviction in respect of any offence involving fraud or dishonesty, violence, drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- b) Details of any finding by a court or tribunal against the Licence Holder and/or the property manager that they have practised unlawful discrimination.
- c) Details of any contravention on the part of the Licence Holder or property manager relating to housing, public health, environmental health, or landlord and tenant law, which has led to civil or criminal proceedings and a judgment or finding being made against him or her.
- d) Information about any property the Licence Holder or property manager owns or manages, or has owned or managed:
  - i. which has been made subject to a control order under section 379 of the Housing Act 1985, in the five years preceding the date of the application; or
  - ii. which has been the subject of any enforcement action described under Part 1 sections 5(2) or 7(2) of the Housing Act 2004, concerning Category 1 and Category 2 housing condition hazards; or
  - iii. in relation to which any local housing authority has either refused to grant a licence under Part 2 or 3 of the Act or has revoked a licence, or
  - iv. which has been the subject of an interim or final management order under the Housing Act 2004
- e) A change of property manager
- f) A change of address of the Licence Holder or property manager
- g) The undertaking of any substantial works including conversions and modernisations that would affect the licence or the licence conditions

*Overseas landlords*

15. All landlords resident outside the UK are required to appoint a management agent to oversee the management of the licensed property. Landlords based in the UK may also appoint a management agent. The managing agent must:

- a) be a person or a company based in the UK;
- b) be a 'fit and proper person' within the meaning of Housing Act 2004 s66;
- c) provide their consent in writing to the imposition of the restrictions and obligations of the licence conditions on them;

- d) have access to sufficient funds to enable them to carry out the day to day management of the property, including dealing with ASB, carrying out repairs, and dealing with emergencies;
16. The licence holder must inform the Council if the identity of any UK based person or company acting as managing agent changes within 7 days of any change. Where the licence holder has obtained a discount on the basis that the managing agent is a member of ARLA or another approved accreditation scheme, the licence holder must continue to instruct an ARLA or similar approved agent throughout the duration of the licence.

#### *Managing Agents*

17. If the Licence Holder appoints a management agent to manage the property during the period of the licence, they must:
- a) before or upon the agent's appointment, obtain from the agent a written declaration identifying the licence conditions, above and below, if any, by which they agree to be bound;
  - b) ensure that the declaration includes:
    - i. A recital that the agent has read and understood the licence conditions;
    - ii. A notice informing the agent that a failure to comply with the conditions may result in criminal and/or civil liability, including an unlimited fine or a financial penalty of up to £30,000 for each breach;
    - iii. A notice that, if the agent requires advice about the conditions or any failure to comply with them, he or she should consult a Citizens Advice Bureau or solicitor before signing the declaration;
    - iv. A recital that the agent understands the consequences of failing to comply with the licence conditions;
    - v. A recital that either (a) the agent agrees to be bound by all of the licence conditions, above and below, (b) the agent agrees to be bound by such of the conditions as the declaration specifies or (c) a recital that the manager does not agree to be bound by any of the licence conditions, above or below; and
    - vi. In the case of (b) or (c) above, a statement that the person to whom the licence was granted alone is bound by the licence conditions;
  - c) ensure that the aforementioned declaration is signed and dated by the appointed agent; and
  - d) ensure that the local housing authority is provided with a copy of the above declaration within 28 days of the agent's appointment

#### *Refuse and waste management*

18. The licence holder must ensure that all occupants comply with all schemes provided by the local housing authority which relates to the storage and disposal of household waste pending collection.
19. The Licence Holder must ensure that new occupiers are given the following information on waste and recycling in writing within 7 days of taking up occupation:

- a) The collection days for the refuse and recycling bins for the house - <https://lewisham.gov.uk/myservices/wasterecycle/your-bins/collection>
  - b) Details on assistance available, where the occupants require assistance – <https://lewisham.gov.uk/myservices/wasterecycle/your-bins/assisted-collection-service>
  - c) Details on what they can and can't recycle - <https://lewisham.gov.uk/myservices/wasterecycle/recycling>
  - d) How they can dispose of large items- <https://lewisham.gov.uk/myservices/wasterecycle/dispose-of>
  - e) General waste guidance from the Lewisham's website: <https://lewisham.gov.uk/myservices/wasterecycle>
20. The licence holder must keep themselves informed of any changes or additions to the above, and update all occupiers in writing within 7 days of becoming aware of any such change or addition. The licence holder will be treated as being aware of changes or additions 10 working days following the publication of any such scheme on the Council's website.
- A copy of the information provided to the occupiers must be kept for 5 years and provided to the local authority within 28 days on demand.*

#### Repairs

21. The licence holder must ensure that all repairs are carried out in a timely manner and records of repairs need to be maintained.
- These records must be provided to the local housing authority within 28 days of any request.*

#### Pests

22. The licence holder must ensure that any common parts, gardens and yards are free from waste, which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities, other than waste stored in appropriate receptacles for the storage of household refuse and recycling.
23. The licence holder must take reasonable steps to proof the property from rats and mice.
24. If the license holder becomes aware of any pest infestation, steps must be taken to eradicate all pests in a timely manner.