

## APPENDIX D – DRAFT SELECTIVE LICENSING CONDITIONS

These conditions fall under Part 3 of the Housing Act 2004, and comprise of those set down in Legislation and those related to tackling locally identified issues affecting private sector rented accommodation.

### MANDATORY CONDITIONS

	<b>Item</b>	<b>Condition</b>	<b>Reason</b>
<b>1</b>	<b>Gas Safety</b>	If gas is supplied to the house, the licence holder must produce to Harrow Council at the time of application, and annually thereafter or on demand, a gas safety certificate obtained in respect of the house within the last 12 month.	Schedule 4, House Act 2004 Mandatory Condition
<b>2</b>	<b>Electrical Appliances</b>	The licence holder must keep electrical appliances made available by them in the house in a safe condition, and supply the authority (at the time of the application and on demand thereafter) a declaration by the licence holder as to the safety of such appliances	Schedule 4, House Act 2004 Mandatory Condition
<b>3</b>	<b>Furniture</b>	The licence holder must keep furniture made available by them in the house in a safe condition, and supply the authority on demand a declaration by the licence holder as to the safety of such furniture.  The Furniture and Furnishings (Fire)(Safety) Regulations 1988 (as amended 1989 & 1993) sets out requirements	Schedule 4, House Act 2004 Mandatory Condition
<b>4</b>	<b>Smoke Detectors</b>	The licence holder must ensure that smoke alarms are installed in the house and that they are kept in proper working order. They must also supply the authority on demand a declaration by the licence holder as to their condition and positioning	Schedule 4, House Act 2004 Mandatory Condition
<b>5</b>	<b>Terms of Occupation</b>	The licence holder must supply to the occupiers of the house a written statement of the terms on which they occupy it. A copy must be supplied to the Local Authority on demand.	Schedule 4, House Act 2004 Mandatory Condition

6	<b>References</b>	The licence holder must demand references from persons who wish to occupy the house. Evidence of this must be provided to the Local Authority on demand	Schedule 4, House Act 2004 Mandatory Condition
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### PRESCRIBED CONDITIONS

	<b>Item</b>	<b>Condition</b>	<b>Reason</b>
1	<b>Premise Management</b>	<p>The licence holder must ensure that:</p> <ul style="list-style-type: none"> <li>(a) All repairs to the house or any installations, facilities or equipment within it are carried out by competent and reputable persons;</li> <li>(b) 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</li> <li>(c) All occupiers of the premise are made aware of the licence and the conditions set out within it</li> <li>(d) All corridors, stairways, common parts and exit routes are kept free from obstruction and combustible materials</li> <li>(e) Carbon monoxide detectors are provided in premises where gas appliances are present, and kept in proper working order. They must also supply the authority on demand a declaration by the licence holder as to their condition and positioning</li> <li>(f) Rent receipts are available on demand by the local authority</li> </ul>	To ensure the maintenance of the premise; to safeguard tenants and to reduce conditions prevalent to anti-social behaviour
2	<b>Energy Efficiency</b>	Each new tenancy will require an Energy Performance Certificate (EPC)	Safeguard occupants in terms of the reduction of fuel poverty , national

			energy efficiency measures and to be aware of the statutory requirements for Energy Performance Certificates (EPCs)
3	<b>Competence</b>	The licence holder and / or manager overseeing the premise will need to demonstrate competence of managing private rented accommodation.	To ensure the effective management of the premise, and allow proactive approach to prevent issues such as anti-social behaviour
4	<b>Managing Agent</b>	If the Licence Holder uses the services of a managing agent / agency for the purposes of their premise, to ensure that they are a member of a Redress Scheme in line with The Redress Scheme for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014	To ensure the effective management of the premise, and meet statutory obligation
5	<b>Landlord Residence</b>	The licence holder must reside in the UK, to allow reasonable contact and direct management of the premise	Efficient communication with the licence holder to ensure conditions are met
6	<b>Management of Behaviour</b>	<p>The licence holder must take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the premise and the use of the premise for illegal purposes</p> <p>The licence holder must:</p> <ol style="list-style-type: none"> <li>a. Provide a written action plan to Harrow Council outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually and submitted on request.</li> <li>b. Obtain tenant references prior to granting a tenancy as to previous tenancy</li> </ol>	To proactively reduce anti-social behaviour associated with private sector accommodation.

		<p>conduct, including behaviour of the proposed occupier and household. The Licence Holder needs to have due regard to what the reference says and be satisfied that the tenant is not likely to cause any anti-social behaviour.</p> <p>c. 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;</p> <ul style="list-style-type: none"><li>i) decline the request for a reference ; or</li><li>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.</li></ul> <p>d. Require any prospective tenant to disclose unspent criminal convictions when applying for a tenancy. Where the prospective tenant discloses unspent criminal convictions the Licence Holder must demonstrate that due consideration was given to whether those convictions indicate a real risk that the prospective tenant is likely to commit acts of antisocial behaviour.</p> <p>e. Cooperate with Harrow Council, 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.</p> <p>f. 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.</p> <p>g. 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</p>	
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7	<b>Change of Circumstance</b>	<p>The Licence Holder and managing agents must consult with Harrow Council before making any material changes to the layout, amenity provision, fire precautions or occupation of the house and must inform the Council of:</p> <ul style="list-style-type: none"> <li>a. 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;</li> <li>b. 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;</li> <li>c. 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;</li> <li>d. 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;</li> <li>e. Information about any property the Licence Holder or manager owns or</li> </ul>	<p>To ensure safe guard the occupants; address potential anti-social behaviour issues and maintain confidence in the licencing regime, and ultimately the private rented sector</p>

		<p>manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004;</p> <p>f. The property becoming empty:</p> <p>g. Changes to liability insurance:</p> <p>h. Notification of repossession/foreclosure</p> <p>i. Successful claims against the licence holder for default of tenancy deposits.</p> <p>j. Change in managing agent or the instruction of a managing agent;</p> <p>k. 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</p>	
<b>8</b>	<b>Occupants</b>	The licence holder must ensure that the occupancy of the rooms does not exceed level set within the licence, and that no rooms other than bedrooms are used for the purposes of sleeping	To ensure compliance with space and amenity standards, and protect occupants
<b>9</b>	<b>Emergency Arrangements</b>	The licence holder must have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details, including contactable telephone number, of the licence holder must be supplied to each occupier and be displayed in a prominent place in the premise	To ensure proper reporting of anti-social behaviour, health & safety and other relevant issues in the absence of the landlord
<b>10</b>	<b>Inspections</b>	The licence holder, or nominated person of the licence holder, must undertake inspections of their premise on at least a monthly basis to ensure conditions are met	To ensure the conditions on the licence are being complied with
<b>11</b>	<b>Council Inspections</b>	The licence holder must allow the Council to undertake compliance checks on receipt of 24 hours' notice. Officers will produce valid authorisation at the time of the visit	To ensure the premise complies with the Housing

			Act 2004 and licence conditions
<b>12</b>	<b>Security</b>	<p>The licence holder must ensure:</p> <ul style="list-style-type: none"> <li>a. That provisions for securing access to the premise are maintained in good working order at all times, and sufficient to prevent reasonable attempts of forced entry</li> <li>b. To ensure occupiers have access to the necessary keys to access the security provisions, including window locks if fitted</li> <li>c. Details of any burglar alarm fitted is known to the occupiers and written instruction in its use, especially in terms of codes and how and when this would be changed</li> <li>d. All relevant locks are changed when previous occupants have not surrendered the keys. This must be conducted prior to re-letting</li> <li>e. Reasonable access and egress to and from the premise, including use of any gates</li> </ul>	To ensure the safety and welfare of the occupants, specifically in terms of fire and entry by intruders. To also provide suitable accommodation to discourage anti-social behaviour
<b>13.</b>	<b>Maintenance</b>	<p>The licence holder must ensure:</p> <ul style="list-style-type: none"> <li>a. The exterior of the property is maintained in a reasonable decorative order and state of repair, making sure any statutory requirements (e.g. planning permission) is met;</li> <li>b. The external areas associated with the house, including any garden or yards, are maintained in a reasonable state of cleanliness and free from rodent infestation and harbourage</li> </ul>	To prevent deterioration of any premise that would fundamentally affect the vicinity and community, and potentially encourage anti-social behaviour.
<b>14</b>	<b>Refuse</b>	The licence holder must ensure:	To prevent environmental

		<ul style="list-style-type: none"><li>a. Suitable and sufficient 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. No waste or waste receptacle must cause obstruction</li><li>b. Access must be available at all times to adequate, external refuse storage</li><li>c. Any waste that would fall outside the normal domestic waste, especially in terms of bulky items, are disposed of responsibly and appropriately without due delay (e.g. at the Civic Amenity Site)</li><li>d. That, where applicable, all appropriate bins are provided to allow for recycling</li><li>e. All occupants are provided with details of bin collections, use of refuse containers and details of where items can be recycled / disposed of, at the time of letting the premise</li></ul>	<p>issues that are linked to anti-social behaviour and deterioration of an area.</p>
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