

**Selective Licensing Business Case: Appendix 4**

**Wirral Council**

**Selective Licence Conditions**

**Draft**

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## Selective licence conditions

This document details the mandatory conditions which **must** to be included within any selective licence scheme under Schedule 4 of the Housing Act 2004 (“the Act”) and additional conditions which Wirral Council would also like to introduce under Section 90 of the Act.

### Section 1: Mandatory Conditions

In the attached conditions ‘house’ means a building or part of a building which is required to be licensed under Part 3 of the Act.

1. The licence holder is required-
  - a) if gas is supplied to the house, to produce to the council annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months
  - b) to keep electrical appliances and furniture made available by him in the house in a safe condition;
  - c) to supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture.
  - d) to ensure that smoke alarms are installed in the house and to keep them in proper working order;
  - e) to supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms.
2. The licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.
3. A licence under Part 3 must include conditions requiring the licence holder to demand references from persons who wish to occupy the house.

### Section 2: Licence Holder Responsibilities

The licence holder **must** be a fit and proper person to be the licence holder under Section 88(3)(a) or (c) of the Act. Consideration as to the fit and proper person status of the licence holder and or manager of the house, is in accordance with section 89 of the act.

1. The licence holder **must** notify the council immediately if :-
  - a) The contact information given in the licence changes;
  - b) The licence holder ceases to have any involvement with the property.
  - c) There is a change of managing agent;

- i. Provide a new contact, including address and telephone number.
  - d) The licence holder is the managing agent and the person specified as the main contact ceases to be that contact
    - i. Provide a new contact, including telephone number.
  - e) There is a change in circumstances for either the licence holder or managing agent that contravenes any of the following
    - i. Committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);
    - ii. Practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business;
    - iii. Contravened any provision of the law relating to housing or of landlord and tenant law; or
    - iv. Acted otherwise than in accordance with any applicable code of practice.
  - f) He/she becomes aware of, or suspects any person involved with the management and/or ownership of the house is not a fit and proper person.
  - g) Any person proposed to be involved in the management of the house has insufficient competence and experience to be so involved.
  - h) Any intended alterations or changes in the use and occupancy levels of each room which may affect the licence contents or conditions attached to the licence.
  - i) There is any material change of circumstance affecting the licence holder or the operation of the property.
2. The licence holder is responsible for ensuring that:-
- a) A copy of the licence is given to the current or incoming occupant;
  - b) The licence holder shall provide the tenants with a copy of the licence conditions if requested by the current or incoming occupant;
  - c) An emergency name, address and telephone number is made available to the tenants for the purposes of responsive maintenance and repair, 24 hours a day. This information is also to be provided to the council.
  - d) All tenants are given clear advice on what action is required in the event of an emergency.
  - e) The maximum number of persons allowed to occupy the property is not exceeded.

- f) Access to the licensed property is given to officers from the council for the purposes of carrying out inspections, where a request has been made in writing giving reasonable notice to the occupant and licence holder as necessary.
- g) They co-operate fully if the council has reason to believe any conditions contained in the licence have been breached.
- h) Act lawfully and responsibly when dealing with rent payments, advanced payments, returning deposits and considering deductions from deposits.
- i) The licence for this property is non transferable to another person or another property once granted

### **Section 3 Additional Selective Licensing Conditions**

#### **3.1 Tenancy Management**

1. The licence holder will provide the tenant with
  - a) a 'Tenant Information Pack' which will contain the following documentation:-
    - i. A true copy of the licence to which these conditions apply.
    - ii. A notice with the name, address, daytime and emergency contact number of the licence holder or managing agent.
    - iii. True copies of the current gas and electric safety certificates.
    - iv. Statement of the terms of tenancy agreement
    - v. Details of arrangements for the storage and disposal of waste.
    - vi. Tenants responsibilities in the storage and presenting of refuse for disposal.
    - vii. A copy of the current energy performance certificate
  - b) Ensure that a written statement of terms can be produced to the council on request, where no written tenancy agreement exists, the licence holder must supply to the occupiers and council, a statement of terms. The following information must be present, but not limited to:-
    - i. The date on which the tenancy began
    - ii. The rent payable under the tenancy and when the rent is payable
    - iii. Any rent review term applicable to the tenancy; and
    - iv. In the case of a fixed term tenancy, the length of the fixed term.

- c) The licence holder is required to have in place suitable emergency and other management arrangements in the event of their absence through illness, holidays, or similar.
  - d) The name and contact details of the licence holder and/or manager **must** also be on display in a prominent position within the property.
2. The Licence holder must
- a) Provide details to the tenant of the arrangements in place to deal with repair issues and emergency issues
  - b) Provide to the authority on demand any copies of the written statement of terms for inspection within 7 days of the demand.
  - c) Provide the tenant with relevant details about the tenancy deposit scheme.
    - i. The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in a statutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used at the time the deposit is taken. This information must be provided to the Council within 28 days on demand.
3. The licence holder and his representatives will ensure that the tenant's right to quiet enjoyment of the property is respected. Where entry is required to the property for the purpose of undertaking landlord duties and responsibilities, the licence holder will ensure that the tenant receives at least 24 hours written notice of intention to enter the property and consent is given before entering.
4. The licence holder shall ensure that any property inspections carried out are recorded and suitable notes taken identifying any problems that may be relevant to any further dispute subject to the tenancy ending.
- a) The records of such inspections shall be kept for the duration of this licence.
5. The licence holder must not cause or permit the property to become overcrowded.

### **3.2 Property Management**

1. The licence holder **must supply to the Council**
  - I. On demand, a written declaration as to the condition and positioning of the smoke detectors and on request. the original/valid certificate of testing which shows compliance with the current British Standard As a minimum one detector is to be suitably located in the hallway and another on the landing or similar area (excluding HMO's).

- II. A copy of a valid Energy Performance Certificate (EPC) that complies with the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 is presented to the council following a written request
- III. Ensure that any mains voltage household electric goods supplied by the landlord/licence holder to the occupier, in the course of business, are maintained in a safe and working condition and supply to the council, on demand, a declaration or/and a Portable Appliance Test record by a competent person as to the safety of such electrical goods.

### **3.3 Maintenance of Existing Installations and Equipment**

The Licence Holder must ensure:-

- a. That all facilities and equipment are in good repair and good working order;
- b. All facilities and equipment are maintained and kept in good repair and full working order.
- c. All repairs to the house or any installations, facilities or equipment within it are carried out by competent and reputable persons.
- d. If accommodation is provided on a furnished basis and includes electrical appliances, the Licence Holder must provide the occupier copies of user manuals.
- e. The licence holder or managing agent is to provide written instruction on the correct operation and setting of any fixed form of heating appliances.
- f. That as well as the declaration and mandatory condition of providing annual gas safety check for appliances, landlords of a property also have further duties under the Gas Safety (Installation and Use) Regulations 1998, whereby they are required to provide on-going maintenance of the gas installation. Landlords/licence holder should not assume that by carrying out annual gas safety checks will be sufficient to provide effective maintenance; the advice of a competent person should be sought. All such maintenance works to be carried out by a gas safe registered engineer which can be found at [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk)
- g. That the property provides a safe and secure environment for the occupiers of the house; this includes contacting the local crime prevention officer to assess the measures required to improve security to the house, if required
- h. As far as is reasonably practicable, the landlord/licence holder shall not allow the property to become overcrowded subject to the Housing Act 1985; Part X.
- i. The licence holder must include the provision of adequate facilities and equipment within the premises such as lighting, toilets, baths, showers, wash basins and any cupboards, shelving or fittings supplied in a

bathroom or lavatory. Ensuring that they are maintained in good repair and working order as far as is reasonably practicable.

- j. They are familiar with Landlord and Tenant Act 1985 S11 covenant for keep in repair and good working order the installations for water, gas and electrical

### **3.4 Alley Gates**

- a. Where there are alley-gates installed to the rear entry's of licensed property, the Licence Holder must:
  - i. Take responsibility for holding a key for any alley-gates which are in place or which are installed; and
  - ii. At the time of letting, provide all new tenants with the appropriate alley-gate key and replace any such key prior to any tenancy starting.

### **3.5 Pests and Infestations**

Where the licence holder/manager becomes aware of a serious pest problem or infestation at the property he/she shall take reasonable steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the Council within 28 days on demand.

### **3.6 Accreditation Scheme**

The licence holder or manager should take reasonable steps to apply for accreditation through the council's Property Accreditation Scheme within 12 months of issuing the licence. For details phone 0151 691 8132 or email [lat@wirral.gov.uk](mailto:lat@wirral.gov.uk). Landlord accreditation plays an important part in assisting and improving the levels of competence in relation to modern landlord and tenant skills.

### **3.7 Fire Safety**

- a. Ensure that any present fire precaution facilities and equipment are maintained in accordance with the current British Standard; BS5839, Part 6
- b. For single occupancy houses (excluding HMO's) the licence holder and/or manager must ensure that a 10 year life battery smoke detectors conforming to BS EN 14604 are installed in the house and are kept in good working order.



### **3.8 Electrical Safety**

1. The Licence Holder must

- a. Within 2 months of the date of licensing, the license holder must produce to the council a valid Electrical Installation Condition Report (EICR) or alternatively a valid Periodic Installation Report (PIR) for the whole of the electrical installations in accordance with current IEE wiring regulations. Such a report should be provided by a competent person who is a member of an appropriate competent person scheme, details of which can be found at [www.competentperson.co.uk](http://www.competentperson.co.uk) (to comply with Part P of the Building Regulations).
- b. Ensure, throughout the period of the licence, that the Property is covered by a valid Electrical Installation Condition Report or a valid Periodic Inspection Report. Where the report expires during the term of the licence, an up-to-date Electrical Installation Condition Report must be provided to the licensing team of the Authority within 28 days of the expiry date.
- c. Ensure that should any remedial works be identified on the EICR or PIR are attended to subject to the required remedial action is applicable:-

**Electrical Installation Condition Report -**

- a. Classification Code C1 – ‘Danger present, risk of injury’, immediate remedial action required’, should be remedied as a matter of urgency and/or within 12 hours following the date of the report.
- b. Classification Code C2 – ‘Potentially dangerous’, urgent remedial action required’, should be remedied within 7 days following the date of the report
- c. Classification Code C3 - ‘Improvement recommended’, should be remedied within 21 days following the date of the report.

**Periodic Inspection Report -**

- a. Classification Code C1 – ‘Requires urgent attention’, should be remedied as a matter of urgency and/or within 12 hours following the date of the report.
- b. Classification Code C2 – ‘Requires Improvement’, should be remedied within 7 days following the date of the report
- c. Classification Code C3 – ‘Requires further investigation’, should be remedied within 21 days following the date of the report.
- d. Classification Code C4 – ‘Does not comply with the current issue of BS7671’, should be remedied within 12 months following the date of the report.

### **3.9 Anti Social Behaviour**

1. The Licence Holder must :-
  - a. Take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.
  - b. Provide new occupants with a tenancy agreement that includes clauses that allow the licence holder to take steps to tackle anti-social behaviour
  - c. Have adequate facilities to receive and respond to initial complaints about the behaviour of other tenants and visitors
  - d. Take reasonable steps to deal with anti social behaviour, should it occur by the occupants or visitors to the house.
  - e. Provide the relevant occupants of the house written confirmation detailing arrangements in place to report nuisance and anti social behaviour
  - f. Provide on demand a written action plan to Wirral Borough Council outlining procedures for dealing with anti-social behaviour. This must be reviewed periodically and submitted on request.
  - g. Obtain tenant references prior to granting a tenancy as to previous tenancy conduct, including behaviour of the proposed occupier and household.
  - h. Have due regard to what the reference says and be satisfied that the tenant is not likely to cause any anti social behaviour.

### **3.10 External Area, Refuse and Waste**

1. The Licence Holder must ensure that:-
  - a. The exterior of the property is maintained in a reasonable decorative order and state of repair;
  - b. At all times 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, and;
  - c. Suitable and adequate 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.
  - d. The receptacles or plastic refuse sacks where receptacles have not yet been issued must not be exposed for a period longer than 12 hours prior to collection and must not cause obstruction at any time.
  - e. At the start of each new tenancy there is adequate provisions for the storage and disposal of refuse, this includes notifying the council of

missing green and /or grey bins and if applicable providing new bin and incurring the cost of replacing the missing or stolen bin.

- f. Any new occupant of the building is notified of the date of collection for the green and grey wheelie bins

### **3.11 Training**

1. The licence holder of the house must attend any additional training as the council see fit in relation to improving the management skills to a sufficient level of competence to operate a licensed house.

### **3.12 HMO's**

Where the property is defined as a house in multiple occupation subject to section 254 to section 257 of the Housing Act 2004, the following conditions will also apply to a dwelling house as part of the selective licence conditions:-

1. The Licence holder must:-
  - a) Comply fully with the prescribed standards of schedule 3 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions)(England) Regulations 2006, Statutory Instrument 2006, No. 373 as amended by Regulation 12 of the 2007 Statutory Instrument, No. 1903,
  - b) The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007, when deciding the suitability for occupation of an HMO by a particular maximum number of households or persons.
  - c) Comply fully with the licensing and management regulations for HMO's 2007 that apply to buildings containing only self contained flats, to which section 257 of the Act applies
  - d) Provide adequate amenity standard identified in SI373 as amended. Should the amenities be below the required minimum standard, the council will require the licence holder to provide the additional amenities. The council will use its discretion on specifying a suitable and reasonable timescale for these amenities to be provided as part of the licence condition.
  - e) Ensure that any temporary 10 year life battery smoke detectors conforming to BS EN 14604 are installed in the house and are kept in good working order until such times as a full HHSRS inspection to determine the type of an appropriate mains operated system is installed.
  - f) Supply the council, on demand, with a written declaration as to the condition and positioning of the smoke detectors. As a minimum one detector is to be suitably located in the hallway and another on the landing or similar area.

- g) Must ensure that the house is compliant with the council's guidelines and standards for Houses in Multiple Occupation, according to the type of accommodation offered. 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.
- h) Display at all times the licence is in force, a copy of the licence certificate and licence conditions in a prominent position inside the house where all occupiers will be able to view the said documents.
- i) Make reasonable and adequate arrangements, if applicable, to ensure that gas and electric supplies to any common parts are installed on a separate landlords supply by means of a suitable credit meter and that any payment required by a utility service is made on request.
- j) Ensure that any present fire precaution facilities and equipment are maintained in accordance with the current British Standards and Codes of Practice.
- k) Must produce on demand to the local housing authority for their inspection, a Fire Detection & Alarm System Certificate (in accordance with BS5839) obtained in respect of the house within the last 12 months.

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