

Selective licensing proposals

Proposed licence conditions



Exemptions

1. Exemptions to the proposed selective licensing designation include:
 - a) properties licensable as an HMO under mandatory or additional licensing;
 - b) properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association;
 - c) properties already subject to a management order or empty dwelling management order;
 - d) properties subject to a temporary exemption notice;
 - e) owners who reside in property they own as their main residence (owner-occupiers);
 - f) holiday lets; and tenancies under a long lease and business tenancies.
 - g) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering;
 - h) Student accommodation directly managed by educational institutions, e.g. halls of residence;
 - i) properties managed by a charity registered under the Charities Act 2011 and which—
 - a. is a night shelter, or
 - b. consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.

Conditions

2. There are two types of conditions that can be applied. Mandatory conditions must be applied and discretionary conditions which the council can apply for regulating the management, use or occupation of the property (Section 90 and Schedule 4 Housing Act 2004).
3. In some circumstances, where the council believes there are specific issues not covered in the standard conditions for a particular property, additional or more specific conditions will be added.
4. The following are standard conditions that will be attached to each licence. The Licence Holder must comply with the following conditions throughout the duration of the licence:

1. Landlord Obligations

- 1.1 The Licence Holder must ensure that current tenants are given a copy of the licence and that any subsequent tenants are given copies of the licence (*discretionary condition*).
- 1.2 The address of the Licence Holder given on their application form shall be used as the address for the proper service of any letter, notice or other document between the Council and the Licence Holder. It is the Licence Holder's responsibility to ensure that they take all reasonable steps to collect and act upon any letter, notice or other document sent to that address on a regular basis (*discretionary condition*).
- 1.3 The Licence Holder must notify the Council of any managing agent that they employ in relation to the property within 14 days of having employed the agent (*discretionary condition*).
- 1.4 The Licence Holder must provide, in writing, to the tenants, the name, address and telephone number of the person managing the house (*discretionary condition*).
- 1.5 No other persons other than the Licence Holder or the named agent (that the Licence Holder has notified to the Council) can collect and receive rental monies from the tenant(s) at this property. These monies can be passed onto any third parties if required (*discretionary condition*).
- 1.6 If the Licence Holder is not the manager of the property it is still their responsibility to ensure that the manager complies with all the conditions of the licence (*discretionary condition*).
- 1.7 Every habitable room in the property must have acceptable natural daylight and ventilation. An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 5% of the internal floor space of each habitable room must be provided (*discretionary condition*).
- 1.8 The Licence Holder shall give a written declaration that they shall provide each current and future occupant with the name, address and telephone number of the landlord's appointed local out of hours contact, who will respond to emergency situations outside normal business hours and be able to attend or arrange for a contractor to attend the property to deal with any emergencies within 24 hours of notification. A copy of these details shall be forwarded to the Council on demand (*discretionary condition*).
- 1.9 The Licence Holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less often than the delivery frequency of the utility bills) during the course of the tenancy, and a final reading at the termination of the tenancy (*discretionary condition*).
- 1.10 The Licence Holder shall not unreasonably cause the supply of water, gas (where provided) and electricity to house to be interrupted, where these supplies are under their control (*discretionary condition*).
- 1.11 The Licence Holder shall not refuse a potential tenant solely on the basis that the tenant is in receipt of state assistance towards the cost of living, including rent (*discretionary condition*).
- 1.12 The Licence Holder must provide the tenant with details of the arrangements in place to deal with repair and emergency issues as well as

a suitable written complaints procedure at the start of their tenancy. The complaints procedure must include how complaints about the property's conditions will be addressed (*discretionary condition*).

1.13 The Licence Holder shall ensure that only they or the named agent (that the Licence Holder has notified to the Council) create new tenancies or licences to occupy this property whilst this licence is in force. Copies of any new written terms of tenancies or licences must be provided to the Council within 28 days upon demand (*discretionary condition*).

1.14 The Licence Holder shall not knowingly cause or permit any person who has previously applied for a property licence in respect of the property and has either:

- a. been found not to be a Fit and Proper person, or
- b. been made subject to a Banning Order under the Housing and Planning Act 2016

to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property (*discretionary condition*).

1.15 If the Licence Holder becomes aware that they or any other person involved in the management of the property have received a conviction, caution, informal warning or reprimand in respect of any offence as detailed in the Licence application form, they must notify the Council in writing within 14 days of the information coming to their attention (*discretionary condition*).

1.16 Where the standard local authority waste collection schemes do not suffice, the Licence Holder must arrange for private or additional collections of waste from the property. This includes ensuring an adequate number of waste and recycling bins are provided (*discretionary condition*).

1.17 The Licence Holder shall at the commencement of a tenancy or where a tenancy exists provide to the tenant:

- a. An inventory of contents and their condition at the commencement of the tenancy,
- b. details of the rent and dates due, rent payment methods and how and when rent may be increased and,
- c. details of arrangements for the payment for services including gas, water, electricity and heating, and provide the relevant contact information for the services provided at the house.
- d. details of the arrangements for the storage and disposal of refuse, including recycling requirements and days and times for collections.
- e. An Energy Performance Certificate (EPC).

(*discretionary condition*)

1.18 The Licence Holder is required to have in place suitable emergency management arrangements in the event of their absence (*discretionary condition*).

1.19 Should the Licence Holder be unable to fulfil the licence conditions they shall appoint a person to manage the house during the licence period, and:

- a. Obtain from the appointed person a signed declaration identifying the licence conditions by which he agrees to be bound, and that the person understands the consequences of failing to comply with the conditions;
 - b. Provide a copy of the signed declaration to the Council within 14 days of the said changes to management (*discretionary condition*).
- 1.20 The Licence Holder must arrange access to be granted when requested by the Council at any reasonable time (*discretionary condition*).
- 1.21 The Licence Holder must ensure that Council Officers are not obstructed from carrying out their statutory duties, including inspecting the property to ensure compliance with the Licence conditions and statutory requirements (*discretionary condition*).
- 1.22 The Licence Holder must inform the Council, within 14 days of becoming aware, of material changes of circumstances regarding:
- a. The property becoming empty for more than 3 months
 - b. Notification of repossession or foreclosure
 - c. Change to the managing agent or the instruction of a new managing agent
 - d. The undertaking of substantial works to the property, including conversions, or any emergency impacting the property such as fire, flood or damage to structural integrity
 - e. Details of any unspent convictions not previously disclosed to the Local Authority, issued by a Court of Tribunal, concerning:
 - i. Fraud or dishonesty, violence or drugs, any offence listed in Schedule 3 to the Sexual Offences Act 2003 or any conviction relevant to the Licence Holder and/or property manager's fit and proper person status;
 - ii. Findings against the Licence Holder and / or the manager that they have practised unlawful discrimination on the grounds of any protected characteristic
 - iii. Civil or Criminal proceedings against the Licence Holder and/or property manager relating to housing, public health, environmental health or landlord and tenant legislation resulting in a conviction or service of a related Civil Penalty.
- (*discretionary condition*).

2. Council Standards for Licensable Properties

- 2.1 The maximum occupancy for this property is **one household OR two people in two households** (*mandatory condition*).
- 2.2 The terms of these conditions are unique to this property and cannot be applied to any other property (*discretionary condition*).
- 2.3 For the purposes of this licence, any occupier is regarded as one person, regardless of age, and therefore counts towards the maximum occupancy of the property (*discretionary condition*).

3 Tenancy Matters

- 3.1 The Licence Holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property – this is usually a tenancy or licence agreement (*mandatory condition*).
- 3.2 Copies of the written statement of terms must be provided to the Council within 7 days on demand (*discretionary condition*).
- 3.3 The Licence Holder shall obtain references from persons who wish to occupy the property, or a part of the property, before entering into any tenancy or licence or other agreement with them to occupy the property (*mandatory condition*).
- 3.4 No new occupiers shall be allowed to occupy the property if they are unable to provide suitable references (*discretionary condition*).

(References should be, as a minimum, checks to ensure the tenant's identity, whether they have the right to rent a property [see <https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check>], their ability to pay rent, and their previous tenant history and tenancy conduct.) The Licence Holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within 28 days on demand (*discretionary condition*).

- 3.5 The Licence Holder shall carry out adequate checks and obtain satisfactory proof that occupiers belong to a single household. Evidence of this must be retained for the duration of licence. This evidence must be provided to the Council within 28 days on demand (*discretionary condition*).
- 3.6 The Licence Holder must ensure that any deposit taken under an assured shorthold tenancy is protected by placing it in an authorised tenancy deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must ensure compliance with the requirements of the scheme and the operation of Part 6 in Chapter 4, Housing Act 2004 within the statutory time limit (currently 30 days). A copy of the prescribed information given must be provided to the Council within 28 days on demand (*discretionary condition*).
- 3.7 When rent or licence fees are collected or received in cash from the occupiers, a written rent receipt must be given to the occupiers within 7

days of receiving the rent. (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 Council within 28 days on demand (*discretionary condition*).

- 3.8 Any written statement of occupation (condition 3.1) must include a clause which stipulates that no refuse or rubbish may be kept in the front or rear gardens of the property, or in the yards, forecourts, alleyways or other spaces within the curtilage of the property, other than in the waste storage facilities provided for that specific purpose (*discretionary condition*).

4. Gas Safety

- 4.1 If gas is supplied to the property, the Licence Holder must produce to the local housing authority, within 14 days if requested, an annual gas safety certificate obtained in respect of the house within the last 12 months for the authority's inspection (*mandatory condition*).
- 4.2 If gas is supplied to the property, the Licence Holder must ensure that the gas installation and appliances are tested annually by an approved Gas Safe engineer. Within 14 days of the Licence Holder being notified by the Council of any safety risk, a new Gas Safe certificate must be submitted to the Council (*discretionary condition*).

5. Electrical Safety

- 5.1 The Licence Holder must keep electrical appliances made available by them in the house in a safe condition (*mandatory condition*).
- 5.2 The Licence Holder must supply the Council, on demand, with a declaration by them as to the safety of such appliances. Where requested, test reports on the condition of the electrical appliances in the property must be provided to the Council within 14 days on demand (*mandatory condition*).
- 5.3 The Licence Holder must ensure that every electrical installation in the property is in proper working order and safe for continued use. The Licence Holder must supply the Council with a declaration confirming the safety of such electrical installations within 14 days on demand (*mandatory condition*).
- 5.4 Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must, within seven days of inspection, provide the Council with a copy of such inspection reports. The Licence Holder shall inform the Council upon completion of such works (*discretionary condition*).
- 5.5 A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the Licence Holder. PAT tests should be carried out by a competent person every twelve months, or as often as recommended for the type of appliance, with records kept for at least five years. Any necessary maintenance or

repair work must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations (*discretionary condition*).

6. Furniture

- 6.1 The Licence Holder is required to keep furniture made available by them in the house in a safe condition and must supply the authority, on demand, with a declaration by them as to the safety of such furniture (*mandatory condition*).

All upholstered furniture and mattresses supplied by the Licence Holder shall comply with the requirements of The Furniture and Furnishings (Fire) (Safety) Regulations 1988 and bear the permanent labelling required by those regulations. For guidance see www.businesscompanion.info/en/quick-guides/product-safety/goods-in-rented-accommodation

(*discretionary conditions that ensure meeting mandatory requirements*).

7. Fire Safety

- 7.1 The Licence Holder is required to ensure that:
- a. A smoke alarm is installed on each storey of the property on which there is a room used wholly or partly as living accommodation; and that
 - b. Each installed alarm is kept in proper working order; and that
 - c. The Council is supplied on demand with a declaration by them as to the condition and positioning of any such alarms
 - d. The installed smoke alarms are appropriate to the house
- (*mandatory condition*).

For the purpose of condition 7.1, a bathroom or lavatory is to be treated as a room used as living accommodation.

- 7.2 The Licence Holder is required to ensure that:
- a. A carbon monoxide alarm is installed in any room of the property which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker; and that
 - b. Each installed alarm is kept in proper working order; and that
 - c. The Council is supplied on demand with a declaration by them as to the condition and positioning of any such alarms
- (*mandatory condition*).

For the purpose of condition 7.2, 'room' includes a hall or landing and a bathroom or lavatory is to be treated as a room used as living accommodation.

- 7.3 The Licence Holder must ensure that all means of escape from fire are accessible and maintained (*discretionary condition*).

8. Changes in the use and layout of the Property

- 8.1 No changes must be made to the use, layout, amenity provision, fire precautions or maximum occupancy level of the property which may affect the licence granted without the Council's prior written consent (*discretionary condition*).

9. Property Management and Safety

- 9.1 The Licence Holder must ensure that prompt action is taken to investigate and effectively address complaints about disrepair or pest infestation at the house. The Licence Holder must ensure, in particular, that a written response is made to any such complaint within 21 days of receipt, stating the action that has been or will be taken.

Copies of any such written complaint (including by email) and the response referred to in condition 9.1 must be provided to the Council within 21 days on demand.

(*discretionary condition*)

- 9.2 The Licence Holder shall ensure that any repairs, improvement works or treatments at the house are carried out by a competent person(s) who is employed directly by the Licence Holder or an agent/employee of the Licence Holder. Copies of receipts and/or invoices for any such works must be provided to the Council within 21 days upon demand (*discretionary condition*).
- 9.3 The Licence Holder must ensure that regular (at least every 6 months) checks are carried out to ensure that the 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. (*discretionary condition*).
- 9.4 The Licence Holder must ensure that 6 monthly checks are carried out to ensure that the house is free from pest infestation. Where the Licence Holder becomes aware of a pest problem or infestation at the house they shall, within 7 days, take steps to ensure that a treatment programme is carried out to eradicate the pest infestation. Records shall be kept of such treatment programmes and copies of these must be provided to the Council within 28 days on demand (*discretionary condition*).
- 9.5 The Licence Holder must ensure that all outhouses, garages and sheds are kept secure, and are used for their intended purpose only. The Licence Holder must ensure that these structures are not used for human habitation (*discretionary condition*).
- 9.6 The Licence Holder must ensure that the exterior of the house is kept clean and tidy and that issues of routine maintenance affecting the exterior, such as broken windows, are addressed promptly (*discretionary condition*).
- 9.7 The Licence Holder shall ensure that inspections of the house are carried out at least every six (6) months to identify any problems relating to the

condition and management of the house. The Council may increase the frequency of such inspections if it has good reason to be concerned about the condition or management of the house. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection and issues found, and action(s) taken. Copies of these must be provided to the Council within 28 days on demand (*discretionary condition*).

- 9.8 The Licence Holder is responsible for ensuring that the premise security is maintained, including:
- a. the front door of the property is fitted with a mortice lock (thumb turn) or equivalent, to a five-lever security level;
 - b. The access to the property, including locks, latches and entry systems, are maintained and in good working order at all times;
 - c. That tenants are provided with keys for any window locks fitted;
 - d. That relevant locks are changed prior to re-occupation in circumstances where previous occupants have not returned keys;
 - e. That occupiers are informed in writing about the use of any burglar alarms fitted, including circumstances enabling changing of codes.
- (*discretionary condition*).

10. Anti-Social Behaviour

- 10.1 The Licence Holder must take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the premises and the use of the premises for illegal purposes (*discretionary condition*).
- 10.2 The Licence Holder must produce a written action plan outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually and submitted on request to the Council (*discretionary condition*).
- 10.3 The Licence Holder must obtain tenant references prior to granting a tenancy as to previous tenancy 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 (*discretionary condition*).
- 10.4 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.
- (*discretionary condition*).

- 10.5 The Licence Holder must 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 future acts of antisocial behaviour (*discretionary condition*).
- 10.6 The Licence Holder must cooperate with Lambeth 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 and must be submitted on demand. (*discretionary condition*).
- 10.7 The Licence Holder/management agents must make regular (at least 6 monthly) inspections of the property to ensure that it is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions (*discretionary condition*).

ADVISORY NOTES AND RECOMMENDATIONS

Note: These are not conditions enforced under the Licence but matters that can / will be enforced under relevant legislation

11. Minimum Energy Rating

- 11.1 Where the Licence Holder is in control of property with an Energy Performance Certificate (EPC) Rating of less than 'E'.

The Licence Holder shall within twelve months of the licence being issued carry out the works detailed on the EPC for the property to improve the energy efficiency of the HMO to achieve an EPC rating of 'E' or above

OR

within three months of the licence being issued register a valid exemption on the national exemptions register -

Guidance - <https://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions>

Register - <https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before>

Where there is a lack of compliance, enforcement action will be considered in accordance with The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019.

- 12. Fuel Poverty** - The following are recommendations to help tenants avoid fuel poverty. Where the council finds a Category 1 hazard of excess cold under the [Housing Health and Safety Rating System](#) enforcement action will be taken under Part 1 of the Housing Act 2004. Where a category 2 hazard is found consideration will be given to taking action under Part 1 of the Housing Act 2004.

- 12.1 Where a communal system is not in use, the Licence Holder should ensure that a suitable heating system is installed throughout the dwelling. Portable heaters and gas fires are not preferable means of space heating. The system installed should be programmable and controllable and must include thermostatic control. The system should include thermostatic radiator valves (if radiators are provided).
- 12.2 Where a communal system is not in use, the Licence Holder should ensure a suitable system for providing hot water is installed. The system shall be programmable and controllable.
- 12.3 The Licence Holder should, in writing, provide the tenant with details on how to use the heating and hot water systems, and how they are programmed. Where the system is a communal system, the Licence Holder should inform the tenants of this and how it is controlled and how the system is charged for.

12.4 Where a property contains single glazed windows, draught proofing should be provided to the windows and external doors.

13. Water Saving - The following conditions are recommendations to help their tenants avoid water poverty.

13.1 The Licence Holder should consider, where possible, installing water saving devices to the bathroom and kitchen facilities provided in the dwelling. This should include (but not limited to):

- tap aerators,
- shower flow regulators,
- shower timer devices,
- Combismart - thermostatic valve – only where Combination Boilers are fitted, and
- toilet cistern – flush water-use reduction devices.

The great majority of water companies offer both a free 'water saving' assessment of property and a selection of free water saving devices. The Council advises that you contact your water company in the first instance before purchasing any equipment.

The Council recommend that you have a qualified plumber install all devices in the property, to ensure proper fitting and use as these devices cannot be used for all types of water products, e.g. power showers.