

## Appendix 4: Licence Conditions

### Brent Selective Licence Conditions

Please note that the conditions set out below are those used in the Council's current Selective Licensing Scheme. We do not propose to change the existing conditions, save for the addition of condition 1a. However a revision of the conditions will be considered as part of this consultation.

	<b>Proposed Conditions of the Selective Licenses granted under Part 3 of the Housing Act 2004, s95</b>
<b>ITEM</b>	<b>CONDITION</b>
<b>1. Terms of Occupation</b>	The occupiers of the property must be given a written statement of the terms (this is usually a tenancy agreement) on which they occupy the property, at the start of the tenancy. The licence holder must declare at the point of application, that they provide these terms to the occupiers and provide a copy to the Council within 14 days on demand. Examples of tenancy agreements can be found at the Council's Private Sector Housing Licensing Website.
<b>1a. Numbers of households</b>	The Licence Holder must ensure that the property does not become occupied by more than the number of household stated on the licence. This will normally be for one household or family.
<b>2. Tenant references</b>	The licence holder must collect and check references from anyone who would like to occupy the property. No new occupiers should be allowed to occupy the property if they are unable to provide a reference. The licence holder must provide evidence of reference checks carried out when requested by the Council within 14 days on demand. Examples of tenancy reference checks can be found at the Council's Private Sector Housing Licensing Website.
<b>3. Rent payments</b>	All occupiers should be given a rent book or similar receipt for payments made, such as a rent statement, this should be provided to the occupiers at minimum of quarterly (3 months) intervals. The licence holder must also ensure that they record all rent payments that they receive. This must be declared at the point of application and evidence provided to the Council within 14 days on demand.
<b>4. Deposits</b>	The licence holder must protect any deposits taken from the occupiers, by placing them in a statutory tenancy deposit scheme. Information about the scheme being used must be given to the occupier at the time the deposit is taken. When requested this information must be provided to the Council within 14 days on demand.
<b>5. Complaints</b>	All tenants should be given a suitable written complaints procedure at the start of their tenancy. An example of a complaints procedure can be found at the Council's Private Sector Housing Licensing Website.
<b>6. Anti-social</b>	The licence holder must take reasonable and practical action to prevent or stop anti-social behaviour by the occupiers of the property or their

<b>behaviour (ASB)</b>	<p>visitors.</p> <p>The licence holder must ensure that the occupiers of the property receive written confirmation detailing the procedure in place to deal with anti-social behaviour at the start of their tenancy. Please refer to 6a and 6b below.</p> <p>[For further information on what the Council considers to be anti-social behaviour see appendix 2].</p>
<b>6a. Prevention</b>	<p>To help prevent anti-social behaviour occurring the licence holder must:</p> <p>I. Obtain tenant references prior to granting a tenancy as to their previous conduct and be satisfied that they are not likely to cause any anti- social behaviour.</p> <p>II. Ask anyone wishing to occupy the property, to disclose unspent criminal convictions. If unspent criminal convictions are disclosed, the licence holder must consider if those convictions indicate a risk that the person is likely to commit acts of anti- social behaviour before granting a tenancy.</p> <p>III. Respond to any reference requests received for a current or former tenant from another licence holder in writing within 21 days.</p> <p>IV. When giving a reference, state whether or not they are aware of any allegations of anti-social behaviour made against the tenant. If allegations have been made they must give details to the best of their knowledge, of whether the allegations have been admitted or have been found proven in any court or tribunal.</p> <p>V. Make, a minimum of quarterly 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.</p> <p>VI. Ensure that all tenants are aware, that if they or their visitors behave in a way that the licence holder, manager or Council considers to be anti-social they may face eviction.</p>
<b>6b. Action</b>	<p>This is a procedure to be followed if or when a landlord has been made aware of the occurrence of anti-social behaviour. For the purpose of transparency, this process should be made available to tenants at the start of their tenancy agreement.</p> <p>The licence holder must cooperate with the Council, the Police Service and any other agencies in resolving complaints of anti-social behaviour. The licence holder should address problems of anti- social behaviour resulting from the occupiers or their visitors by following the procedure set out below:</p> <p>I. If a complaint is received, or anti-social behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed in writing of the allegations made against them and of the consequences of its continuation.</p> <p>II. The licence holder shall monitor any allegations of anti-social behaviour for a period of 28 days, from the date the complaint was received.</p> <p>III. If after 28 days it is found that the anti-social behaviour is still continuing, the licence holder must visit the premises within 7 days and</p>

	<p>provide the tenant with a warning letter advising them of the possibility of eviction if their behaviour continues.</p> <p>IV. If after 14 days of giving a warning letter the tenant has not taken steps to address the anti- social behaviour and it is still continuing, the licence holder shall take action which may include legal eviction proceedings.</p> <p>V. The licence holder must ensure that written notes are kept of any meetings, telephone conversations or investigations regarding anti-social behaviour for 3 years, and if requested by the Council, provide this information within 28 days on demand.</p> <p>VI. Any letters, relating to antisocial behaviour sent or received by the licence holder, must be kept for 3 years by the licence holder and if requested by the Council, provide copies of them within 28 days on demand.</p> <p>VII. Where the licence holder or his agent has reason to believe that the anti-social behaviour involves criminal activity, the licence holder shall inform the appropriate authorities.</p>
<b>7. Gas</b>	<p>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. The license holder must provide to the Council, a current Gas Safe Certificate at the point of application. 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.</p>
<b>8. Electrical Appliances</b>	<p>The licence holder is responsible for the maintenance and safety of all supplied electrical appliances and must ensure:</p> <p>a. Electrical appliances are safe and in good working order. A declaration as to their condition must be provided at the point of application.</p> <p>b. Test reports on the condition of the electrical appliances in the property must be provided to the Council within 14 days on demand.</p>
<b>9. Furniture and Furnishings</b>	<p>The Licence Holder must ensure that furniture and furnishings supplied by them are safe and comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988. They must provide a declaration as to their safety at the point of application and if requested by the Council within 14 days on demand.</p> <p>Further advice may be sought from - London Borough of Brent, Trading Standards Service. Tel.0208 937 5555 / 5544 Email. <a href="mailto:trading.standards@brent.gov.uk">trading.standards@brent.gov.uk</a>.</p>
<b>10. Security</b>	<p>The licence holder is responsible for the security of the property and must ensure:</p> <p>a. The access to the property, such as locks, latches and entry systems are maintained and in good working order at all times.</p> <p>b. The front door of the property is fitted with a mortice lock (thumb turn) or</p>

	<p>equivalent, to a five- lever security level.</p> <p>c. Where window locks are fitted, the keys are provided to the relevant occupants.</p> <p>d. Where a burglar alarm is fitted to the property, the occupiers are informed in writing about the circumstances under which the code for the alarm can be changed, and are given details on how this can be arranged.</p> <p>e. Where previous occupants have not returned keys, the relevant locks will be changed prior to new occupants moving in.</p>
<b>11. External areas</b>	<p>The licence holder must ensure that:</p> <p>a. The exterior of the property is maintained in a reasonable decorative order and state of repair.</p> <p>b. Gardens, fencing and other external elements are kept in a clean, clear and/or sound condition.</p>
<b>12. Refuse and waste</b>	<p>The licence holder should provide a sufficient number of external rubbish bins for the occupiers to dispose of waste. They are also responsible for ensuring that any kind of refuse which the Council will not ordinarily collect (e.g. large items of furniture, hazardous waste etc.) are disposed of responsibly and appropriately.</p>
<b>13. Repairs</b>	<p>The Licence Holder must ensure that:</p> <p>a. All occupants of the property receive written confirmation detailing arrangements in place to deal with repairs. If requested, this must be provided to the Council within 14 days on demand.</p> <p>b. Disrepair and/or defects identified to the landlord by the Council are investigated and adequately addressed within the specified timeframes as may be stipulated by the Council.</p> <p>c. All repairs to the property or any installations, facilities or equipment within it are carried out by competent and reputable persons.</p> <p>d. They respond positively and within the specified time period given to any mandatory housing related enforcement notices issued by the Council.</p> <p>e. Whilst any works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the premises.</p> <p>f. On completion of any works, the property is left in a clean and tidy condition.</p>
<b>14. Compliance Works</b>	<p>The licence holder must ensure that any works found to be necessary by the Council to ensure that the property complies with the Council's prescribed standards, are carried out within the specified time period given.</p>
<b>15. Pest Control</b>	<p>The licence holder is responsible for ensuring that the property, including external areas such as gardens, are free from pest infestation e.g. rodents. Any pest infestations must be managed effectively and within a period of 7 days of being reported.</p>

<b>16. Smoke Alarms</b>	<p>The licence holder must ensure that smoke alarms are installed in the property and are kept in proper working order. A declaration as to their condition and positioning must be made at the time of application and provided to the Council within 14 days upon demand.</p> <p>If/when the Council notifies the licence holder of any deficiencies, a new test /completion certificate must be submitted to the council within 14 days from the date of notification.</p>
<b>17. Means of Escape</b>	<p>The licence holder must ensure that all means of escape from fire are free from obstruction and fire precautions are maintained.</p>
<b>18. Electrical Installations</b>	<p>The licence Holder must supply a current (i.e. within the previous 5 years) Domestic Electrical Installation Periodic Report for the whole of the electrical installations to the Council within 28 days of demand. All recommendations for urgent attention and improvement (Codes 1 and 2) must be carried out within 28 days of the report.</p>
<b>19. Consultation of Changes</b>	<p>The licence holder must consult with the Council before making changes to the layout of the property, amenity provisions (such as adding or removing bathroom or kitchen facilities), fire precautions or occupation of the accommodation.</p>
<b>20. Notification</b>	<p>The licence holder 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 involving fraud or dishonesty, violence or drugs, any offence listed in Schedule 3 to the Sexual Offences Act 2003, or any other conviction relevant to the licence holder and/or the property managers fit and proper person status.</li> <li>b. Details of any finding by a court or tribunal against the licence holder and/or the manager that they have practiced unlawful discrimination on the grounds of sex, colour, race, ethnic or national origin or disability.</li> <li>c. Details of any civil or criminal proceedings against the licence holder or manager, relating to housing, public health, environmental health or landlord and tenant law, resulting in a judgment or finding being made against them.</li> <li>d. Information about any property the licence holder or manager owns or manages or has owned or managed, that has been refused a licence by a local housing authority or has had a licence revoked due to the breaching of the licence conditions.</li> <li>e. Information about any property the licence holder or manager owns or manages or has owned or managed, that has been the subject of an interim or final management order under the Housing Act 2004.</li> <li>f. The property becoming empty for more than 3 months.</li> <li>g. Notification of repossession/foreclosure.</li> <li>h. Successful claims against the licence holder for default of tenancy deposits.</li> <li>i. A change in managing agent or the instruction of a managing agent.</li> </ul>

	j. The undertaking of substantial works to the property, including conversions and modernisations or emergency problems relating to fire, flood or disaster.
<b>21. Absence</b>	The licence holder is required to have in place suitable emergency management arrangements in the event of their absence.
<b>22. Compliance inspections</b>	The licence holder must arrange for access to be granted when requested by the Council within 14 days and must not obstruct council officers from carrying out statutory duties including the surveying of the property to ensure compliance with licence conditions and relevant legislation. Immediate, unannounced visits may also be made by duly authorised Council Officers, where deemed appropriate to a stated situation relating to these conditions.

End of Conditions

## Appendix to the Licence Conditions

### USEFUL INFORMATION

1. The London Landlord Accreditation Scheme (LLAS) - will provide you with the necessary skills to run a successful business. A partnership of landlord organisations, London Councils and university accommodation units who have worked together to set up a development programme which will provide you with the information necessary to improve your business.

Web: [www.londonlandlords.org.uk/accreditaion](http://www.londonlandlords.org.uk/accreditaion) : Tel: 020 7974 1970

2. The Electrical Safety Council - The Electrical Safety Council is an independent charity committed to reducing deaths and injuries through electrical accidents at home and at work. They are supported by all sectors of the electrical industry as well as local and central government and work to promote safety and good practice.

Web: <http://www.esc.org.uk> Tel: 0870 040 0561

3. Gas safety – The Health and Safety Executive have a very informative website ([www.hse.gov.uk/gas/landlords/index.htm](http://www.hse.gov.uk/gas/landlords/index.htm)) that provides excellent guidance which you should view, because a landlord is legally responsible for the safety of any tenants in relation to gas safety. By law you must:

- Repair and maintain gas pipework, flues and appliances in safe condition
- Ensure an annual gas safety check on each appliance and flue
- Keep a record of each safety check

4. Deposit Protection Service - The Deposit Protection Service (The DPS) is open to all. It is the only service that is completely free to use and is run by Computershare, who has 8 years' experience of running a similar scheme in Australia. Both landlords and tenants can manage their account 100% online or by using traditional postal methods, from registration to repayment. Plus, deposits are secure when using The DPS – thanks to Bank of Scotland's Specialist Deposit Services team, who safeguard and administer all deposit funds.

Web: <http://www.depositprotection.com> Tel: 0870 702 0003

### APPENDICES

#### What is anti-social behaviour?

- To behave in a way that is considered to be anti-social can include: Causing nuisance or annoyance to other occupiers or neighbours.
- Using abusive or threatening language or behaviour to other occupiers or neighbours.
- Failing to store or dispose of waste properly.
- Causing damage to fixtures, fittings, fire prevention or alarm equipment or installations.
- Causing damage to the property.
- Failing to give access to the landlord or his agent for the purpose of maintaining communal areas.
- Failing to give access to the landlord/manager, having received reasonable notice, to inspect or undertake works within their accommodation.