

Appendix 8

STANDARD CONDITIONS FOR THE SELECTIVE PROPERTY LICENSING SCHEME



London Borough of Brent
Private Housing Services
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Housing Act 2004

Part 3 – Selective licensing of other residential accommodation

(Section 90: Licence conditions and Schedule 4 - Part 3: mandatory licence conditions)

SELECTIVE LICENCE CONDITIONS

The conditions in this booklet are standard conditions attached to every Selective Licence issued by the London Borough of Brent under Part 3 of the Housing Act 2004. The conditions below are imposed by schedule 4 must be included and are requiring of the licence holder,

It is the licence holder's responsibility to ensure that the licensed property complies with all the conditions set out in this booklet. Failure to do so may lead to prosecution for a breach of the licence conditions, a loss of the licence, and an unlimited fine per offence, or the imposition of a civil penalty charge with a maximum of £30,000 per offence.

The conditions are those which the council consider appropriate for regulating the management, use or occupation of the house concerned. The licence holder is responsible for ensuring that all licence conditions are complied with at all times, whether or not a manager or another person has consented to the imposition of the restrictions or obligations.

The Council may apply additional licence conditions to a house concerned on a case-by-case basis, providing these supplementary conditions are in accordance with s90(2&3), including that the works are carried out within such period or periods as may be specified in, or determined under, the licence.

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CONDITIONS OF THE LICENCE

Tenancy Management

1. Terms of occupation

The licence holder must supply to the occupiers of the house a written statement of the terms on which they occupy the property (this is usually a tenancy or licence agreement).

The licence holder must provide a copy to the Council within 14 days on demand.

2. Tenant references

The licence holder must demand references from persons who wish to occupy the house.

No new occupiers should be allowed to occupy the property if they are unable to provide a suitable reference. As a minimum any reference checks should give consideration to the tenant's history and credit and must consider whether the tenant has the right to rent the property.

The licence holder must provide evidence of such references and checks carried out when requested by the Council within 14 days on demand.

3. Rent payments

The licence holder must ensure that there is a record of all rent payments received in respect of the property.

The tenant should be given a receipt for all rent payments made, such as a written receipt, invoice or rent statement. This should be provided to the tenant at weekly or monthly intervals as a minimum.

Evidence of rent records must be provided to the Council within 14 days on demand.

4. Deposits

The licence holder must protect any deposits taken from the occupiers under an assured short-hold tenancy agreement, by placing them in a statutory tenancy deposit scheme.

The licence holder must give information about the scheme being used to the occupier within the statutory time limit (currently 30 days) of the time the deposit is taken. When requested this information must be provided to the Council within 14 days on demand.

5. Complaints

The Licence Holder must ensure that all tenants are given a suitable written complaints procedure at the start of their tenancy.

The procedure must include how complaints of the property conditions will be dealt with.

6. Anti-social behaviour (ASB)

The licence holder must take reasonable and practical action to prevent or reduce anti-social behaviour by the occupiers of the property or their visitors.

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.

[For further information on what the Council considers to be anti-social behaviour see appendix 1].

6a. Prevention

To help prevent anti-social behaviour occurring the licence holder must:

- 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.
- 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.
- III. Respond to any reference requests received for a current or former tenant from another licence holder in writing within 21 days.
- IV. Ensure regular inspections of the property are carried out, at least every six (6) months to check on the tenancy and state of repair of the house and to ensure that the occupiers are not in breach of tenancy terms and conditions.

6b. Action

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.

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:

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.

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.

III. If after 28 days, it is found that the anti-social behaviour is continuing the licence holder must visit the premises within 7 days and provide the tenant with a warning letter advising them of the possibility of eviction if their behaviour continues.

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 continuing, the licence holder shall take action, which may include legal eviction proceedings.

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.

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.

VII. Where the licence holder or his agent has reason to believe that the antisocial behaviour involves criminal activity the licence holder shall inform the appropriate authorities.

Property Management

7. Gas

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.

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 licence holder shall ensure that all gas installations and appliances are in safe condition at all times.

The licence holder must keep a copy of a current valid gas safety certificate, and if a boiler was installed less than 12 months ago, the gas safe installation certificate.

Copies of the gas safe certificate must be provided to the tenant at the start of their occupation.

8. Electrical Appliances and Electrical Installation

(a) The Licence holder must keep electrical appliances made available by him in the house in a safe condition.

The Licence Holder must supply the authority, on demand, with a declaration by him 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.

(b) The licence holder must ensure that every electrical installation in the house is in proper working order and safe for continued use; and

must supply the authority, on demand, with a declaration by him as to the safety of such installations.

[For the purposes of paragraph (c) “electrical installation” has the meaning given in regulation 2(1) of the Building Regulations 2010.]

9. Furniture and Furnishings

The Licence holder must keep furniture made available by him in the house in a safe condition and comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.

The Licence Holder must supply the authority, within 14 days on demand, with a declaration by him as to the safety of such furniture.

10. Security

The licence holder is responsible for ensuring adequate precautions are provided for the security of the property and must ensure:

- a. The access to the property, such as locks, latches and entry systems are appropriate, maintained, and in good working order at all times.
- b. Where window locks are fitted, the keys are provided to the relevant occupants.

- c. 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.
- d. Where previous occupants have not returned keys, the relevant locks will be changed prior to new occupants moving in.

11. External areas

The external areas must be inspected regularly, at intervals of at least once every six months. Although one six monthly inspection may satisfy all the requirements below, the licence holder must ensure that they:

- a. Carry out regular inspections of the exterior of the property, including the roof, walls, drainage, window and door elements to identify any problems in relating to the maintenance and state of repair.
- b. Carry out interim inspections to ensure that gardens, fencing, paths, etc., and other external elements are kept in a clean, clear and/or sound condition.
- c. Carry out interim inspections to identify any maintenance problems associated with outbuildings such as garages, sheds and to ensure that such buildings are not used for sleeping purposes.
- d. Provide any such inspection report to the Council with 14 days, on demand.

12. Refuse and waste

The Licence Holder must ensure that there are adequate arrangements for the storage and disposal of waste. In particular;

- a. ensure that the occupiers of the house are given the information in writing about waste and recycling within 7 days of the start of their occupation:
- b. Ensure that a sufficient number of suitable external rubbish bins for the occupiers to dispose and recycle waste.
- c. Ensure that any kind of refuse which the Council will not ordinarily collect (e.g., large items, bedding, furniture, hazardous waste etc.) are disposed of responsibly and appropriately.
- d. Actively respond to complaints of poor waste practices associated with the property. The licence holder must keep a record of the action taken and provide this to the Council within 14 days on demand.
- e. The Licence Holder must ensure that no refuse or rubbish is kept in the front or rear gardens of the house, or in any yards, forecourts, alleyways,

or other spaces within the house curtilage, other than in refuse and rubbish storage facilities provided specifically for that purpose.

13. Repairs

The Licence Holder must ensure that 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.

14. Pest Control

The licence holder is responsible for carrying out checks to ensure 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 must be responded to within a period of 7 days of being reported. Records of treatment and management must be kept and copies of these must be provided to the Council within 14 days on demand.

Fire Safety

15. Smoke Alarms and Carbon Monoxide Alarms

15.1 Smoke alarms

The licence holder must ensure that;

- a. A smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation; and that,
- b. Smoke alarms are repaired or replaced once informed and found that they are faulty.
- c. Each such alarm is kept in proper working order; and that,
- d. On demand, the Authority is supplied with a declaration by him or her as to the condition and positioning of any such alarms.

For the purpose of condition 15, a bathroom or lavatory is to be treated as a room used as living accommodation.

15.2 Carbon Monoxide Alarms

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 where a fixed combustion appliance is present (excluding gas cookers); and,
- b. Carbon monoxide alarms are repaired or replaced once informed and found that they are faulty.
- c. Any such alarm is kept in proper working order; and that

- d. The Authority is, on demand, supplied with a declaration by him or her as to the condition and positioning of any such alarm or alarms.

For the purpose of Condition 15.2, “room” includes a hall or landing and a bathroom or lavatory is to be treated as a room used as living accommodation.

Please see link below for further information on ***The smoke and Carbon Monoxide Alarm (England) Regulations 2015*** and ***The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022*** guidance for landlords.

[Smoke and Carbon Monoxide Alarm \(Amendment\) Regulations 2022: guidance for landlords and tenants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/smoke-and-carbon-monoxide-alarm-amendment-regulations-2022-guidance-for-landlords-and-tenants)

NB: Satisfying fire safety elements such as electrical safety, gas safety, furnishings, smoke and carbon alarms may not mean that compliance with the HHSRS fire safety hazard as action under relevant applicable legislation may be taken to reduce the hazard.

General

17. Consultation of Changes

The licence holder must consult with the Council before making material 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, which may affect the licence granted.

18. Notification of changes of circumstances

The licence holder must inform the Council of material changes of circumstances regarding:

- 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.
- 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.
- 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 or Civil Penalty (under the Housing and Planning Act 2016), being made against them.
- 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.

- e. Information about any property the licence holder or manager owns, manages, has owned, or managed that has been the subject of an interim or final management order under the Housing Act 2004, or of a Banning Order under the Housing and Planning Act 2016.
- f. The property becoming empty for more than 3 months.
- g. Notification of repossession/foreclosure.
- h. Successful claims against the licence holder for default of tenancy deposits.
- i. A change in managing agent or the instruction of a managing agent.
- j. The undertaking of substantial works to the property, including conversions and modernisations or emergency problems relating to fire, flood or disaster.

19. Absence of the Licence Holder

The licence holder is required to have in place suitable emergency management arrangements in the event of their absence.

Should the Licence Holder be unable to fulfil the licence conditions he should appoint a person to manage the house during the period of the licence, he must:

- a. Obtain from the manager a signed declaration identifying the licence conditions by which he agrees to be bound, and that the manager understands the consequences of failing to comply with the licence conditions;
- b. Provide the Council a copy of the signed declaration within 14 days of the said change of circumstance.

20. Compliance inspections

The licence holder must arrange for access to be granted when requested by the Council at any reasonable time.

The Licence Holder must ensure that council officers are not obstructed from carrying out their statutory duties including inspecting and the surveying of the property to ensure compliance with licence conditions and relevant legislation.

[END OF CONDITIONS]

Appendix 1 - USEFUL INFORMATION

1. Definition of terms

- a) “house” refers to the building or such part of it as is licensed under Part 3 of the Housing Act 2004;
- b) “Licence Holder” refers to: (a) the person to whom the Authority has granted this licence; and (b) from the date of his or her consent, any other person who agrees to comply with the licence restrictions and obligations that follow.
- c) “Mandatory Licence Conditions” refers to conditions that the Authority is obliged to impose under any licence granted under Part 2 or Part 3 Housing Act 2004 by virtue of Schedule 4 of Housing Act 2004.

2. Anti-social behaviour

For the purposes of the Housing Act 2004, antisocial behaviour means conduct on the part of occupiers of, or visitors to, residential premises –

- (a) Which or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises, or
- (b) Which involves or is likely to involve the use of such premises for illegal purposes.

Examples of ASB include:

Crime: tenants engaging in vandalism, criminal damage, burglary, robbery/ theft and car crime

Nuisance neighbours: Intimidation and harassment; noise, rowdy and nuisance behaviour; animal related problems; vehicle related nuisance. Tenants engaged in begging; antisocial drinking; street prostitution and kerb crawling; street drugs market within the curtilage of the property.

Enviro-crime: tenants engaged in graffiti and fly posting; fly tipping; litter and waste; drugs paraphernalia; fireworks misuse in and around the curtilage of the property.

London Borough of Brent – Anti-social Behaviour Team. Tel: 020 8937 2000

3. Advisory note on Fire Safety – Condition 15.1

- a) The smoke alarms provided should be suitable for the type of property. When considering what smoke alarm installation may be appropriate, mains linked smoke alarms are preferred, but battery-operated smoke detectors to BS EN 14604:2005 may be provided to houses and purpose-built flats that are

not above commercial premises. For flats within converted buildings, hard-wired mains operated smoke alarms with battery back up to BS 5446 should be provided.

b) In determining adequate fire precautions reference should be made to the LACORS guidance: HOUSING – FIRE SAFETY, Guidance on fire safety provisions for certain types of existing housing.

4. The London Landlord Accreditation Scheme (LLAS) -

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. <https://www.londonlandlords.org.uk/> Tel: 020 7974 1970

5. Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

These Regulations require landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at an interval of at least every 5 years. Landlords have to provide a copy of the electrical safety report to their tenants, and to their local authority if requested.

- Read the [Regulations](#)
- Read the [Explanatory Memorandum to the Regulations](#).
- Guidance to Landlords:
<https://www.gov.uk/government/publications/electrical-safety-standards-in-the-private-rented-sector-guidance-for-landlords-tenants-and-local-authorities/guide-for-landlords-electrical-safety-standards-in-the-private-rented-sector>

The Electrical Safety Council –

The Electrical Safety Council (ESC) 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: <https://www.electricalsafetycouncil.org.uk>

ESC guidance to landlords on EIC Regulations 2020 [Guidance for landlords](#)

6. Gas safety – The Health and Safety Executive website

(www.hse.gov.uk/gas/landlords/index.htm) provides guidance 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, and keep a record of each safety check.

7. Tenants Deposit Protection

The Tenancy deposit must be placed in a government-backed tenancy deposit scheme (TDP) if you rent on an assured short-hold tenancy that started after 6 April 2007. In England and Wales, your deposits can be registered with:

- [Deposit Protection Service](#)
- [MyDeposits](#) - including deposits that were held by Capita
- [Tenancy Deposit Scheme](#)

Web: <https://www.gov.uk/tenancy-deposit-protection>

8. Minimum Energy Efficiency Standard (MEES)

For licensable properties with a Property Energy Performance Certificate (EPC) Rating of less than 'E'.

Guidance - [Private Rented Sector minimum energy efficiency standard exemptions - GOV.UK \(www.gov.uk\)](#)

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

Where there is a lack of compliance, enforcement may be taken under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019.

9. Landlord's guide to right to rent checks

This guidance advises a landlord, letting agent or homeowner how to conduct a right to rent check when letting privately rented accommodation. Landlords and letting agents must carry out right to rent checks on people before entering into a tenancy agreement with them to make sure they are allowed to rent.

<https://www.gov.uk/government/publications/landlords-guide-to-right-to-rent-checks>

Appendix 8(a)

TERMS OF THE LICENCE

A. The licence and conditions relate only to the property described on the licence certificate.

B. A licence will not normally be granted or issued until the appropriate licence fee has been rendered (i.e., the granted date and subsequent issued date, will be different).

C. The licence may not be transferred into another person's name.

D. The licence is granted for the full term of the scheme from the date the licence comes in to force up until [insert end date], unless the following apply:

- The licence will cease if the licence holder dies whilst the licence is in force
- The licence may be revoked under section 93 of the Housing Act 2004

E. The licence will continue to be in force, even if the premises ceases to be used as a tenanted dwelling, unless a valid application is made for the licence to be revoked under section 93 of the Housing Act 2004 or on the Local Authority's own initiative.

F. In the event of the licence holder dying during the licence period, the licence will cease to be in force. In such cases, the property will then be treated for the period of three months (beginning from date of the licence holder's death) as if a temporary exemption notice had been served, exempting the premises from the requirement to be licensed.

Sections 86 and 91 of the Housing Act 2004 will apply.

G. With reference to paragraph 'F' above, at any time during the initial 3-month period, representatives of the deceased licence holder may request the local authority issue another temporary exemption from licensing, for a further 3 months after the date the initial period ends. Sections 86 and 91 of the Housing Act 2004 will apply.

H. You can obtain more information about this licence from the Licensing Team, Private Housing Services, 6th Floor, Brent Civic Centre, Engineers Way, Wembley HA9 0FJ. Tel 020 8937 2384/5, Email prslicensing@brent.gov.uk .

Appendix 8(b)

Any other specific or general guidance and comment:

You will need to respond positively and appropriately to all the items listed below.

SCHEDULE OF SUPPLEMENTARY CONDITIONS

Housing Act 2004 section 90(2&3)

(Additional requirements specific to the property in relation to information/knowledge at the time of the application)

- 1.
- 2.
- 3.

- You will need to respond positively and in a timely fashion to any housing related enforcement notices, issued by the Council (especially with regards to any category 1 hazards identified at the premises).
- The property must not be considered to be in breach of the licensing conditions as prescribed by Schedule 4 of the Housing Act 2004 namely;
- Submission of a valid gas safety certificate if applicable
- Appropriate confirmation that the electrical appliances and furniture are maintained in a safe condition
- Appropriate confirmation that every electrical installation in the house is in proper working order and safe for continued use
- Appropriate confirmation of the condition and location of any smoke and carbon monoxide alarms installed within the accommodation
- Evidence of appropriate confirmation of occupiers being provided with a written statement of the occupancy terms [usually a tenancy agreement]