

## Appendix 9

# PROPOSED CONDITIONS FOR THE SELECTIVE PROPERTY LICENSING SCHEME



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

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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.

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 licence holder is responsible for ensuring that all licence conditions are complied with at all times whether or not a manager or another person is bound by the conditions.

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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. When referencing consideration must be given to the tenant's history, credit and right to rent checks.

The licence holder must provide evidence of such reference 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.

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 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. 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.
- V. Ensure regular inspections of the property are carried out, at least every six (6) months to check on the state of repair of the house and to ensure that the occupiers are not in breach of tenancy terms and conditions.
- 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.

## **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 still 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 still 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 authorities 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. 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.

The licence holder must provide to the Council, a current Gas Safe Certificate within 14 days on demand.

## **8. Electrical Appliances**

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.

## **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 maintained and in good working order at all times.
- b. The front door of the property is fitted with a mortice lock (thumb turn) or equivalent, to a five-lever security level.
- c. Where window locks are fitted, the keys are provided to the relevant occupants.
- 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.

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

## **11. External areas**

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 the statement, in any tenancy or licence granted contains a clause which stipulates that no refuse or rubbish may be 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 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. 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. Each such alarm is kept in proper working order; and that,
- c. On demand, the Authority is supplied with a declaration by him or her as to the condition and positioning of any such alarms.
- d. The installed smoke alarms are appropriate to the house

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 and contains a solid fuel burning combustion appliance; and that,
- b. Any such alarm is kept in proper working order; and that
- c. 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.

## **16. Means of escape**

The licence holder must ensure that all means of escape from fire that adequate fire precautions are maintained.

## **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 or manages or 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. [www.londonlandlords.org.uk/accreditation](http://www.londonlandlords.org.uk/accreditation) Tel: 020 7974 1970

#### 4. 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

5. Gas safety – The Health and Safety Executive website ([www.hse.gov.uk/gas/landlords/index.htm](http://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.

#### 6. 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 or
- Tenancy Deposit Scheme  
<https://www.gov.uk/tenancy-deposit-protection> Tel: 020 702 0003