

Selective Licensing Conditions

Mandatory Conditions

Required by virtue of Schedule 4, Housing Act 2004

The following conditions apply only in relation to any part of the property over which the licence holder exercises control, or over which it would be reasonable to expect that he would exercise control.

This condition only applies where gas is supplied to the house:

The licence holder must send the current gas safety certificate to the Licensing Officer, every year on the anniversary of the issue of the licence.

The licence holder must keep electrical appliances supplied by him in a safe condition. A declaration as to the safe condition of the appliances must be supplied to the Local Authority on demand.

The licence holder must keep furniture supplied by him in a safe condition. A declaration as to the safe condition of the furniture must be supplied to the Local Authority on demand.

The licence holder must ensure that smoke alarms are installed on each storey of the house on which there is a room used wholly or partly as living accommodation. A declaration as to the positioning of such alarms must be supplied to the Local Authority on demand. Note. a bathroom or lavatory is to be treated as a room used as living accommodation.

The licence holder must ensure that the smoke alarms are kept in proper working order. A declaration as to the proper working order of such alarms must be supplied to the Local Authority on demand.

The licence holder must ensure that 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. A declaration as to the positioning of such alarms must be supplied to the Local Authority on demand. Note. 'Room' includes a hall or landing. A bathroom or lavatory is to be treated as a room used as living accommodation.

The licence holder must ensure that the carbon monoxide alarms are kept in proper working order. A declaration as to the proper working order of such alarms must be supplied to the Local Authority on demand.

The licence holder must supply to the occupants of the house a written statement of the terms on which they occupy it.

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

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Additional Conditions

Section 90(1) and 90(2) of the Housing Act 2004 allows the local authority to include conditions it considers appropriate to regulate the management, use, occupation, condition and contents of the house.

Notification of changes

If your address has changed

The [Licence holder] [and/or] [the manager] must inform Hastings Borough Council (“the Council”) if they no longer reside at the address given in their application form. Furthermore, the Licence holder must provide the Council with their new address and contact details within 21 days.

If there is a change of manager/managing agent

The [Licence holder] [and/or] [the manager] must inform the Council if there is a change in manager/ managing agent, within 21 days, or if a manager/managing agent is appointed who is not named on the existing licence.

If the managing agent ceases to have an interest in the property

If the licence holder is a managing agent, they must inform the Council if they cease to have an interest in the property, within 21 days.

If you plan to make changes to the property

The [Licence holder] [and/or] [the manager] must advise the Council in advance of making any changes to the layout, amenity provision, fire precautions or mode of occupation of the house

Fit and Proper Person

The licence holder must inform the Council if, since becoming the licence holder, they contravene any of Sections 2.3(a) – (d) below. This must be done within 21 days of such a contravention.

The licence holder must inform the Council if the person named as the manager of the property contravenes any of Sections 2.3(a) – (d) below. This must be done within 21 days of such a contravention.

The following criteria are considered in the assessment of whether the licence holder or manager is a fit and proper person:-

Offences involving:

Fraud

Dishonesty

Violence

Drugs

Sexual Offences Act (Schedule 3)

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Unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in connection with a business

Contravention of any provision of housing or landlord and tenant law. In particular:

Cases where proceedings are taken by any Local Authority

Cases where any Local Authority has carried out works in default

Cases where a Management Order under Housing Act 2004 has been made

Cases where a licence has been refused or licence conditions have been breached

Acting in contravention of any Approved Code of Practice (ACoP) concerning housing law.

Management and maintenance of the flat or house

Ensure that electrical installations are inspected and tested

The [Licence holder] [and/or] [the manager] shall ensure that a periodic electrical inspection is undertaken by a competent person, in accordance with BS7671, at intervals of no more than 5 years for each installation for which they are the person having control. The licence holder shall provide a valid certificate of testing within 3 months from the date the licence is issued, and thereafter at intervals of no more than 5 years, or as recommended by the contractor (whichever is the lesser period).

Provide Portable Appliance Test (PAT) certificates for electrical appliances

The [Licence holder] [and/or] [the manager] shall ensure that all portable electrical appliances provided by him/her for the use of the tenants of any flat of which they are the person(s) having control, are maintained in a safe condition, and that a test of all such equipment is carried out annually by a competent person. The Licence holder and/or the Manager shall, within the period of 3 months from the date the licence is issued, supply to the Local Authority a copy of the most recent PAT test certificate, being not more than 12 months old on the date it is submitted. The Landlord and/or the manager shall thereafter produce a copy of the most recent PAT test certificate for the inspection of the Local Authority annually, within 14 days from the anniversary of the test date.

Ensure that soft furnishings comply with fire safety regulations

The [Licence holder] [and/or] [the manager] shall, within the period of 3 months from the date the licence is issued, provide to the Local Authority a signed declaration confirming that all soft furnishings supplied by him/her to the tenants of any flat under his/her direct control, complies with the Furniture and Furnishings (Fire) Regulations 1988 (as amended).

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Prevent or reduce anti-social behaviour

The [Licence holder] [and/or] [the manager] shall take reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the flat/ house, to this end shall:

Report all incidences of anti social behaviour to the appropriate authority

Ensure adequate security arrangements are in place to prevent unauthorised access.

Further information on antisocial behaviour can be found in the enclosed guidance leaflets, provided by Sussex Police, and Hastings Borough Council.

Enter into a tenancy agreement that includes provisions for dealing with antisocial behaviour

The [Licence holder] [and/or] [the manager] shall enter into an assured shorthold tenancy agreement with each new tenant of the dwelling for which he/ she is the person having control. The tenancy agreement will be based upon the National Landlords' Association model tenancy agreement, and will include provisions relating to forfeiture of the property in the event of a breach of the tenancy agreement terms in the following circumstances:

"That the tenant or someone living in, or visiting the premises has been guilty of conduct which is, or is likely to cause a nuisance or annoyance to neighbours; or, that a person residing or visiting the premises has been convicted of using the premises, or allowing it to be used for immoral or illegal purposes or has committed an arrestable offence in, or in the locality of the licensed premises."

In the event of a breach of the tenancy agreement in the circumstances specified above, the [Licence holder] [and/or] [the manager] shall take immediate steps to secure the forfeiture of the property. Sussex Police will assist landlords by providing supporting evidence regarding Anti-social behaviour to enable landlords to gain possession of relevant accommodation in licensed premises.

Further information on antisocial behaviour can be found in the enclosed guidance leaflets, provided by Sussex Police, and Hastings Borough Council.

[Also enclosed is a specimen NLA tenancy agreement].

Supply of gas and electricity

The [Licence holder] [and/or] [the manager] shall not unreasonably cause a supply of gas or electricity to any resident in the flat/ house to be interrupted, where such supplies are under his/her control.

Supply of water

The [Licence holder] [and/or] [the manager] shall not unreasonably cause a supply of water to the flat/ house to be interrupted, where this supply is under their control

Inform us if there is a fire in the property

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The [Licence holder] [and/or] [the manager] must inform the Council by telephone within 72 hours of becoming aware of the occurrence of a fire within the flat/ house.

Notification to tenants

The [Licence holder] [and/or] [the manager] must supply to each tenant a copy of the licence and the conditions attached to it.

Dealing with emergencies and matters out of normal working hours

The [Licence holder] [and/or] [the manager] shall give a written declaration that they shall provide to 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 3 hours of notification.

Energy Performance Certificates

The [Licence holder] [and/or] [the manager] shall ensure that the flat/ house has a valid Energy Performance Certificate, (EPC).

Access to Utility Meters

The [Licence holder] [and/or] [the manager] shall ensure that their tenant is able to access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the dwelling at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the Licence holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters.