



Part 2

Under the terms of the licence the licence holder is required to comply with the following conditions.

Mandatory Conditions.

1. If gas is supplied to the house, the licence holder must produce an annual gas safety certificate to East Staffordshire Borough Council in respect of the house within the last 12 months.
2. The licence holder must:
 - a. keep electrical appliances and furniture provided by her/him in a safe condition
 - b. supply the authority with a declaration by him, as to the safety of such appliances and furniture.
 - c. ensure national standards for electrical safety are met and to obtain an Electrical Installation Condition Report to the 18th edition of the 'Wiring Regulations', which are published as British Standard 7671 at an interval of at least every 5 years.
 - d. supply a copy of this report to the existing tenant within 28 days of the inspection and test
 - e. supply the local authority with a copy of this report within 7 days of receiving a request for a copy
3. The licence holder must:
 - a. 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, and to keep such alarm in proper working order.
 - b. supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms.
4. The licence holder must:
 - a. 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;
 - b. keep any such alarm in proper working order; and
 - c. supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm
5. The licence holder must provide each tenant with a written statement of the conditions of the terms on which they occupy the house.
6. The Licence Holder must obtain references from persons who wish to occupy the house.

Conditions relating to the property

7. The licence holder must allow officers of the council access to the licensed property for the purpose of carrying out inspections at all reasonable times or on receipt of 24 hours' notice of their intention to inspect, whichever the sooner.
8. The licence holder must cooperate with environmental health staff in circumstances where complaints of alleged breaches of licence conditions have been made in respect of the licensed property.
9. The licence holder will ensure that any furniture supplied at the start of a tenancy or licence is in safe and good condition and maintained or replaced as far as it is the landlord's responsibility throughout the tenancy.
10. All repairs to the property are to be carried out by competent and reputable persons and as far as practicable; the licence holder will ensure all works are carried out to a reasonable standard.
11. If the property is a HMO, licence holder must ensure that the house is compliant with the council's approved standards for houses in multiple occupation, according to the type of accommodation offered.

These standards will be reviewed periodically to ensure that they remain appropriate to the type of multi-occupied housing within the council's area and needs of residents.

12. The licence holder must provide the tenants of the licensed property and the occupiers of any adjoining properties, with details of the following:

- a. name of the licence holder or managing agent
- b. a contact address and daytime telephone number
- c. an emergency contact telephone number.
- d. standard reporting procedures for disrepair

This information must be supplied within 28 days of receipt of the licence document and should be clearly displayed in a prominent position within the licensable property. An emergency contact telephone number for the licence holder and/or management agency shall also be available and notified to the council.

13. Where major works are required during the period of the tenancy, the licence holder will provide suitable alternative accommodation for the period during which works are carried out. The licence holder must also notify the local authority to provide details of the works to be carried out, the timescale for completion and the accommodation arrangements made for the tenant.

14. The licence holder, when providing the utilities to the property, will set reasonable market rates for all utility supplies that are no greater than the rate at which they are charged by the energy supplier.

15. The licence holder will not attempt to end a tenancy or licence in order to avoid carrying out repairs.

16. The licence holder will provide the tenant with copies of user manuals for any equipment provided as part of the agreement.

Tenancy Arrangements

17. The licence holder will arrange to undertake a detailed inventory to be agreed with all new tenants and kept on file at the onset of each new tenancy.

18. The number of persons residing in the premises at any one time shall not exceed the maximum number of occupants stated on the licence.

19. The Licence Holder must make use of an approved tenancy deposit scheme.

20. In circumstances where the licence holder seeks repossession of the property, this must be done using lawful means.

21. Where there are alley gates installed to the rear of the licensed property, the licence holder must:

- a. take responsibility for holding a key for any alley gates which are in place or which are installed provide all new tenants with a copy of the key at the time of letting
- b. issue any new tenants with a copy of any key holding agreement which is in place for the alley gate scheme to the rear of the licensed property.

22. The Licence Holder must ensure their property is inspected on an annual basis by the Licence Holder or their managing agent if the tenant has been living at the property for more than two years. If the tenant has been living in the property for less than two years the Licence Holder must ensure their property is inspected at least once every six months by the Licence Holder or their managing agent. The findings of the visit must be recorded.

Environmental Management

23. The Licence Holder must ensure that the property and all outbuildings, yards, forecourts and gardens surrounding the house are maintained in repair and kept in a clean, tidy and safe condition and free from infestations.

24. The licence holder must provide adequate facilities for the storage and disposal of refuse and must outline to the tenants their responsibilities in this respect.

Local Authority cooperation

25. The Licence Holder and any other relevant person involved with managing the property must inform the local authority within 14 working days of any changes in their circumstances not previously disclosed to East Staffordshire Borough Council as follows:-

- a. Details of any unspent convictions that may be relevant to the Licence Holder and/or their managing agent in relation to 'fit and proper person'. This is in particular in relation to any such conviction in relation to fraud or dishonesty, violence or drugs or any offence listed in Schedule 3 of the Sexual Offences Act 2003
- 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 grounds of sex, sexuality, race, ethnic or national origin or disability against a tenant;
- c. details of any contravention by the Licence Holder or managing agent of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to criminal or civil proceedings resulting in a judgement or finding being made against them;
- d. Information about any property the Licence Holder or managing agent owns or manages or has owned or managed which has been the subject of a:
 - i. Control order under S. 379 of the Housing Act 1985;
 - ii. or any appropriate enforcement action described in Part 1 Chapter 1 (5) of the Housing Act 2004;
- e. Information about any property the Licence Holder or manager owns or manages, or has owned or managed, for which a local housing authority has:-
 - i. refused to grant a licence under Part 2 or Part 3 of the Housing Act 2004; or
 - ii. Has revoked a licence in consequence of the Licence Holder breaching the conditions of their licence.
- f. Information about any proper property the Licence Holder or managing agent owns or manages or has owned or managed which has been the subject of an Interim or Final Management Order under Part 4 Chapter 1 of the Housing Act 2004;
- g. The owner of the property has secured a sale of the property in a designated selective licensing area;
- h. Any change in managing agent or the instruction of a management agent;

Anti-Social Behaviour

26. The licence holder must take reasonable and practicable steps for tackling antisocial behaviour. The licence holder and/or his nominated managing agent are required to undertake an incremental process of investigation of any complaints which have been made either directly to them, or via the council, regarding their tenants. This process of investigation may involve one or more of the following.

- Appropriate response to a complaint from a member of the community, neighbour or another person regarding the conduct of the licence holders' tenant(s) and/or the behaviour of their children or visitors.
- Sending of appropriate and proportionate warning letter(s).
- Conduct of a tenancy warning interview.
- Attendance at a case conference or any other appropriate multi agency meeting arranged by the council or other relevant agency.
- Engagement with the council, the police or any other agency involved in the case. This may involve providing supporting information or evidence where an appropriate authority seeks a legal remedy to the antisocial behaviour such as an Anti Social Behaviour Order.
- Serving of a relevant notice to seek possession where all other interventions have failed and that all parties agree that this would be the most appropriate course of action.
- The Licence Holder and/or managing agent co-operating with any relevant and reasonable advice given by a relevant and appropriate service such as Staffordshire Police and Staffordshire Fire and Rescue Service.

27. The Licence Holder and/or managing agent will provide upon request to the local authority any information demonstrating all reasonable action is being taken to deal with anti-social behaviour arising at or related to their property such as warnings or any other appropriate legal action has been taken.

28. The licence holder will ensure that tenants are aware of the services available to them and how they can report nuisance and anti-social behaviour.



Notes

Appeals

If there is anything in this notice or licence you do not agree with you have a right to appeal. You can appeal if East Staffordshire Borough Council decides to;

- Refuse a licence
- Grant a licence with conditions
- Revoke a licence
- Vary a licence
- Refuse to vary a licence

You can appeal to the Residential Property Tribunal within 28 days of service of the notice / issue of the licence. The relevant First-Tier Tribunal (Property Chamber) for East Staffordshire is:-

First-Tier Tribunal (Property Chamber)

Centre City Tower

5-7 Hill Street

Birmingham

B5 4UU

Tel: 0121 600 7888

Email: rpmidland@justices.gov.uk

Varying a Licence

The local authority can vary the terms of a licence with the agreement of the licence holder, or without their agreement if it appears that the circumstance relating to the property in the selective licensing area have changed since the granting of the licence. This change of circumstances will include any discovery of new information.

A variation made with the agreement of the licence holder takes effect immediately. If the variation is made without an agreement, it does not come into effect until the time limit for appealing against the decision has lapsed, any appeal against the decision is found in favour of the local authority or the appeal has been withdrawn.

Temporary Exemption Notices

If the owner or person having control of the property intends to cease operating the property as a privately rented property, and clear evidence can be given of this, a Temporary Exemption Notice (TEN) can be applied for. A TEN lasts for a maximum of three months and can exceptionally be followed by a second TEN which lasts for an additional three months. On expiry of the TEN a property must be licensed, become subject to an interim management order or cease to be a privately rented property.

If a local authority refuses to grant a TEN, they must inform the applicant and advise them of their right to appeal.

Ending a Licence

There are a number of ways in which a licence can end;

Passage of Time

The licence expires on the date stated on it, or if East Staffordshire Borough Council decide to end a selective licensing scheme before the standard five year period.

Death of a Licensee

A licence is non-transferable and upon the death of a licensee a three month Temporary Exemption Notice (TEN) would automatically be granted. The TEN may be extended for a further three months after which a new licence should be granted, the property become subject to an Interim Management Order or the property ceases to be a privately rented property.

Sale of the Property

If the property is sold and the licence holder is no longer the owner / landlord / manager of the property, the licence is no longer effective as licences are not transferable. The new owner will need to apply for a new licence or a TEN.

Revocation of a Licence

A local authority may revoke a licence and bring it to an end before the end of the selective licensing scheme's duration. The grounds for revoking a licence are:-

- by agreement with the licence holder;
- where there have been serious or repeated breaches of a licence condition; or
- Where the local authority believes the licence holder is no longer a fit and proper person.

Penalties

Management Orders

If the owner fails to bring a property in a selective licensing area up to standard, allows standards to fall or fails to maintain the fit and proper person criteria, East Staffordshire Borough Council can issue an Interim Management Order (IMO) which allows it to take over the management of the property. The owner retains their rights as an owner and is entitled to any profits after all management costs have been deducted from any rental income received. The IMO can last for a year until suitable permanent arrangements can be made. If the IMO expires and there has been no change in circumstances, East Staffordshire Borough Council can issue a Final Management Order which can last up to five years and be subject to renewal.

Fines

It is an offence if the owner or person in control of the property fails to apply for a selective licence. An unlimited fine may be imposed upon conviction, alternatively a Financial Penalty up to £30,000 may be issued.

A breach of any licence conditions can result in a fine of up to £5,000 upon conviction or a Financial Penalty up to £30,000 may be issued.

Rent Repayment Order

A tenant living in a property that should have been licensed but was not can apply to the Residential Property Tribunal Service to claim back any rent they have paid during the unlicensed period (up to a maximum of 12 months). Local authorities can also reclaim any housing benefit that has been paid during the time that the property was without a licence.