

Draft proposed licence conditions for privately rented houses – final conditions to be confirmed at April Executive Board meeting.

A. Gas, Electrical and Fire Safety

Gas Safety

1. Where gas is supplied to the house the licence holder shall ensure that all gas installations and appliances are in a safe condition at all times and that an annual gas safety check is carried out by a Gas Safe registered engineer. The licence holder shall provide a copy of the gas safety certificate to all tenants/occupiers at the beginning of their tenancy and keep a written record that it has been provided.*
2. The licence holder shall produce the gas safety certificate issued in respect of the house within the previous 12 months for inspection within 7 days of the Council's demand.*

Details of Gas Safe engineers can be found at www.gassaferegister.co.uk

Safety of Electrical Appliances

3. The licence holder shall ensure that electrical appliances made available in the house by them are kept in a safe condition and proper working order at all times.*
4. The licence holder shall ensure a record of visual inspections and tests of such appliances is maintained and shall submit this record to the Council within 7 days of the Council's demand.
5. Within 7 days of the Council's demand, the licence holder shall supply a declaration as to the safety of electrical appliances made available by him at the house.*

Safety of Electrical Installations

6. The licence holder shall ensure that the electrical installation in the house is kept safe and in proper working order at all times. The licence holder shall ensure that a satisfactory Electrical Installation Condition Report (EICR) or Electrical Installation Certificate (EIC) is produced at intervals of no more than 5 years or more frequently if indicated on the previous report and supply the most recent EICR / EIC to the Council within 7 days of the Council's demand.

Smoke Alarms / Fire Detection Systems

7. The licence holder shall ensure that at all times a suitable fire detection and alarm system is installed in the house and is maintained in proper working order. As a minimum there must be a smoke alarm installed on each storey of the house on which there is a room used wholly or partly as living accommodation. For the purposes of this paragraph, a bathroom or lavatory is to be treated as a room used as living accommodation.*

8. The licence holder shall ensure that where the current BS 5839 (or any British Standards which subsequently replaces this) requires the fire alarm system to be tested in accordance with it, the system is so tested, inspected and serviced by a competent person. Copies of testing certificates shall be supplied to the Council within 7 days of the Council's demand.
9. The licence holder shall supply a declaration as to the condition and position of any smoke alarms/detectors in the property within 7 days of the Council's demand.*

Emergency Escape Lighting

10. The licence holder shall ensure that any emergency escape lighting in the house is inspected, tested and serviced by a competent person in accordance with BS 5266-1:2011 (or any British Standard which subsequently replaces this). Copies of testing certificates shall be provided to the Council within 7 days of the Council's demand.

Furniture and Furnishings (Fire Safety)

11. The licence holder shall ensure that the furniture made available by them at the house is kept in a safe condition at all times.*
12. The licence holder shall supply a declaration as to the safety of the furniture made available by him at the house within 7 days of the Council's demand.*

Carbon Monoxide Alarms

13. The licence holder shall 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. Any such alarm must be kept in proper working order. For the purposes of this paragraph, a bathroom, lavatory, hall or landing are all treated as being a room used as living accommodation.*
14. The licence holder shall supply a declaration as to the condition and position of any carbon monoxide alarms in the property within 7 days of the Council's demand.*

B. Property Management

15. The licence holder must ensure all reasonable and practical steps are taken to respond to repair and maintenance issues at their property and that any works to deal with repairs are undertaken within a reasonable period of time after they are notified, and within the timescales notified to occupiers under condition 22.
16. The licence holder must ensure that:
 - a) The property is kept in a good state of repair and free from significant hazards that could affect the health and safety of tenants, occupiers and visitors to the property (part 1 of the Housing Act 2004)

- b) The exterior of the property is maintained in a reasonable decorative order, and in a good state of repair.
 - c) The exterior of the property and boundary walls, fences and gates etc. are kept free from graffiti.
 - d) Gardens, yards and other external areas within the boundary of the property are kept in a clean and tidy condition and free from rodent infestations.
17. The licence holder shall make sure adequate security arrangements are in place and take reasonable steps to achieve property security by complying with the requirements of paragraphs a) to h) below:
- a) So far as reasonably possible, any emergency works necessary to protect the security of the property are undertaken within 24 hours of notification e.g. damage to windows/entrance points to the property.
 - b) The security provisions for the access to the property (locks, latches, deadbolts and entry systems etc.) are maintained in good working order at all times.
 - c) Where window locks are fitted, window keys are provided to the occupant(s) of the property.
 - d) Where a burglar alarm is fitted to the house, that the occupant(s) is (are) made aware of the code, how the alarm is operated and the circumstances under which the code for the alarm can be changed.
 - e) Where previous occupiers have not surrendered keys, arranging for a lock change to be undertaken, prior to new occupiers moving in.
 - f) Where alley gates are installed to the side or rear of the licensed property, taking responsibility for holding a key and making satisfactory arrangements for the occupiers' access and egress .
 - g) The main escape route (usually the front door) must be fitted with a thumb turn mortice lock, or equivalent, to five-lever security level. The lock must comply with fire safety requirements in that it shall be openable from the inside without the use of a key.
 - h) Where it has been identified by the Police or Council, that additional security is necessary that those works are carried out within a reasonable time.

Dealing with rubbish

18. The licence holder shall at the beginning of a tenancy, provide written information to the occupiers of the property indicating:
- which day refuse collections will take place;

- what type of bins to use for household and recycling waste;
- details of the Council's bulky waste collection service;
- the occupiers responsibility to put bins out no earlier than 4pm on the day before collection and to return refuse containers within the boundary of the property by 8am the day after the collection;
- that occupiers should make arrangements for any extra rubbish that cannot fit in the bins to be collected and/or disposed of as soon as is reasonably possible and ensure that such rubbish, where possible, is stored at the rear of and within the boundary of the property until collection/disposal;
- The licence holder shall ensure so far as is reasonably possible that the occupiers make arrangements for the collection of waste in accordance with these provisions and, when the property is unoccupied, adhere to these provisions themselves.

19. The licence holder shall ensure that suitable and adequate provision for refuse storage and collection is provided at the house. This shall include a closable bin(s) of suitable capacity as specified by the Council.

Property inspections

20. The licence holder must ensure that the tenant's right to quiet enjoyment of the property is respected. The licence holder must ensure that the tenant receives at least 24 hours written notice of intention to enter the property specifying the reason entry is required. The only exception is when it would not be reasonable to give such notice and access is urgent, e.g. in an emergency.

21. The licence holder shall ensure that inspections of the property are carried out at least every six (6) months to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement the records must contain a log of who carried out the inspection, the date and the time of inspection and any issues found and action(s) taken. Copies of these must be provided within 7 days of the Council's demand.

C. Tenancy management

22. At the beginning of a new tenancy, the licence holder must provide the occupier(s) with written information, including contact details, explaining how they can make a complaint about the property and the arrangements in place to deal with emergency and other repairs. The contact and telephone number details should be applicable for contact between 9am – 5pm Monday to Friday, and should also include an out of hours contact number for use in emergencies. Any change in contact and/or telephone number details should be provided to occupiers within 24 hours of the changes being made. Copies of the written information provided to tenants must be provided within 7 days of the Council's demand.

23. Where an occupier makes a complaint the licence holder shall indicate to the occupier(s) how they intend to respond to the complaint including a timescales for the steps they intend to take.
24. The licence holder shall respond to any complaint within a reasonable timescale. Copies of all correspondence relating to complaints shall be retained during the term of this licence and shall be provided to the Council within 7 days of the Council's demand.
25. The licence holder must provide the tenant with an information pack containing the following details:
- a) A true copy of the licence to which these conditions apply.
 - b) A notice with the name, address, day time and emergency contact number of the licence holder or managing agent.
 - c) Where appropriate, true copies of the current gas, electrical safety and energy performance certificates.
 - d) The information required by conditions 18, 22 and 26.
26. The licence holder shall supply to the occupiers of the house a written statement of the terms on which they occupy it (eg a tenancy agreement or licence). This statement shall be provided within 7 days of the occupancy beginning and the licence holder shall supply a copy of the written statement within 7 days of the Council's demand. * The written statement shall be clear about tenants responsibility for not causing anti-social behaviour and that breach of the requirement may lead to eviction.
27. The licence holder shall comply with all relevant landlord and tenant law and shall ensure that all legal processes are followed when requiring occupiers to leave.
28. The licence holder shall require references for new occupiers before entering into any occupancy agreement with them or allowing them to occupy the premises. Copies of these references shall be kept for the duration of this licence and made available to the Council within 7 days of the Council's demand.*
29. The licence holder shall ensure there is suitable and sufficient buildings insurance in place for the duration of this licence. This should cover the costs of re-housing occupiers in the event of the need arising.
30. Before a new tenancy is issued the licence holder / agent should carry out an inventory and document it with photographs (where appropriate). Both the licence holder and the tenant shall date and sign the inventory and each retain a copy.

31. Where a deposit is taken the licence holder must provide the tenant with the relevant information about the deposit scheme to which it relates and any other information required under section 213 of the Housing Act 2004. This information must be provided to the Council within 7 days of the Council's demand.

D. Tackling Anti-Social Behaviour

32. The licence holder shall ensure that all reasonable and practical steps are taken to prevent or reduce anti-social behaviour by the occupants and visitors to the house. In particular:-

- a) The licence holder shall put in place written procedures indicating how complaints made to the licence holder will be dealt with, a copy of which shall be provided to the occupiers upon commencement of their occupation and to the Council within 7 days of the Council's demand.
- b) Where complaints of ASB or criminality are made to the licence holder the licence holder shall investigate them and take action to resolve them. Copies of the complaint shall be kept together with notes arising during the course of the investigation and how the matter was resolved and keep them for the duration of this licence. Where the licence holder has reason to believe that criminal activity is taking place at the property the licence holder must ensure that the appropriate authorities are informed.
- c) There may be instances where anti-social behaviour occurs more than once, but not continuously and possibly several months apart. In such circumstances the licence holder shall take all reasonable and practical steps to ensure it is effectively dealt with, up to and including eviction.

An ASB guide with good practice to be completed by a licence holder can be found on the Council's website at <https://www.nottinghamcity.gov.uk/housing/private-sector-housing/houses-in-multiple-occupation-hmos/hmo-and-the-3-licensing-schemes/>

E. Change of Details or Circumstances

33. The licence holder must inform the Council within 21 days of any material change in circumstances including:

- a. change of their address;
- b. change of manager, management arrangements or ownership;
- c. any changes to their, the manager's or any associate's circumstances which could affect their fit and proper person status, i.e. any cautions or convictions for any offence involving fraud, dishonesty, violence, drugs, sexual offences (under Sexual Offences Act, schedule 3) discrimination or breach of housing or landlord / tenant law;
- d. any proposed changes to the layout of the house that would affect the licence or licence conditions.

34. Licence holders who are accredited by a body approved by the Council shall ensure that accreditation status and / or membership of that body is maintained for the duration of this licence. If for any reason accreditation status/membership ceases the licence holder shall inform the Council in writing within 21 days and shall pay to the Council a sum representing the difference between the standard and accreditation fees for licences applicable at that time.

F. Licence Holder Training

35. Where the licence holder has not attended relevant training in the previous 3 years, they must as a minimum attend suitable training on the law and legal requirements relating to managing privately rented housing within 12 months of the date the licence is granted. This requirement can be satisfied in one of the following ways:

- a. by attending a one-day training course arranged and delivered by the Council or our accreditation partner DASH Services and submitting a certificate to the Council following this training. Visit www.dashservices.org.uk or call 01332 641111 to arrange this;
- b. by completion of the accreditation training of the National Landlords Association (NLA), Residential Landlords Association (RLA), National Approved Letting Scheme (NALS) or East Midlands Property Owners (EMPO) and submitting the pass certificates to the Council for confirmation;
- c. by completion of other suitable training on the law and legal requirements relating to managing privately rented properties subject to approval by the Council in advance and subject to submitting a pass certificate or similar document to the Council for confirmation.

G. Interpretation

36. Where reports, certificates, declarations or other documents are required to be produced or supplied to the Council, this shall mean sending by submitting them via the online portal.

37. Any reference to tenant or tenancy can also be interpreted to include occupancy by licence or other form of written agreement for the purposes of these conditions.

38. Where electrical works / certificates are required they shall be carried out by a suitably qualified electrical contractor who should be registered / member of an approved scheme such as NICEIC, ECA, NAPIT etc. or registered to undertake electrical works in accordance with Part P of the Building Regulations (unless exempt works). Electrical contractors that are on a relevant competent person scheme can be found at www.competentperson.co.uk

Failure to comply with any licence conditions may result in legal proceedings including, civil penalty or prosecution through the courts and loss of the licence.

Guidance information

These do not form part of the licence conditions, but you may still be under an obligation to comply with this legislation

Gas Safety

If gas is supplied to the house the licence holder shall ensure the Gas Safety (Installation and Use) Regulations 1998 (or any Regulations which subsequently replace these) are complied with.

Electrical Safety

The licence holder shall ensure that the Electrical Equipment (Safety) Regulations 1994 (or any Regulations which subsequently replace these) are complied with.

Smoke Alarms/Fire Detection Systems

Depending on the size, layout and occupancy of the property the licence holder may need to go over and above the legal minimum required in legislation to adequately protect the tenants from fire. When doing this the licence holder should have regard to the current Building Regulations; another useful guide is the LACORS Fire Safety Guide. The LACORS Fire Safety guidance is available at www.nottinghamCity.gov.uk/environmental-health-and-safer-housing/private-sector-housing/

Emergency Escape Lighting

The licence holder should have regard to the current Building Regulations covering emergency escape lighting. Another useful guide is the LACORS Fire Safety Guidance. This guidance is available at www.nottinghamCity.gov.uk/environmental-health-and-safer-housing/private-sector-housing/

Furniture Safety

The licence holder shall ensure that the Furniture and Furnishings (Fire Safety) Regulations 1988 (or any Regulations which subsequently replace these) in respect of any upholstered furniture supplied by them, including chairs, sofas, beds, upholstered head boards, mattresses, cushions, seat pads, pillows and upholstered garden furniture etc. are complied with.

Safety and Security of Property

It is recommended that licence holders work towards improving the safety and security of their property by as a minimum complying with the Security and Standards of HMO and Rented Properties guide issued jointly by Nottinghamshire Police and Nottingham City Council, available at www.nottinghamCity.gov.uk/HMO.

Property Management

More information on dealing with waste can be found at www.nottinghamcity.gov.uk/bin-and-rubbish-collections/. Licence holders may find it useful to include this link in the documentation provided to occupiers under condition 18

Training

The training requirement in conditions 35 is a minimum requirement and depending on the level of responsibility and complexity of properties involved the licence holder should consider undertaking further relevant training in line with the extent of their liabilities.

Deposits

The licence holder shall ensure that any deposit taken as security for a tenancy is protected as appropriate by placing it in an approved tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used within 30 days of giving the deposit.

Variations to licence

Where the licence holder or a relevant person applies to vary a licence they should do so at the earliest opportunity. The original licence shall stay in force until the point that the variation is determined, as they can be granted or refused.

Right to rent

Only people with permission or a right to be in the UK have a right to rent property. As a landlord, you have a responsibility to restrict illegal immigrants accessing the private rented sector. If you are found letting to someone who does not have the right to be in the UK, and you cannot show that you have made right to rent checks, then you could face a penalty of £3000. For more information visit

www.gov.uk/check-tenant-right-to-rent-documents

Energy Performance Certificates (EPCs)

Licence holders shall ensure they comply with relevant legislation, ensuring tenants have sight of a current EPC for the property at the appropriate time. From 1st April 2018 domestic properties in England and Wales must have an EPC certificate with a minimum E rating for energy efficiency.

Redress scheme

Where the licence holder is also a letting agent or property manager they shall be a member of a relevant property redress scheme. More information is available at

www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes

Converting family housing to HMOs

Licence holders proposing to convert properties from single occupancy into HMOs should be aware that planning permission is required. More information is available at www.nottinghamCity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/

To Let boards

In Nottingham there are controls on to let boards in certain parts of the City. More information is available at www.nottinghamCity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/controls-on-to-let-ad-boards/

Electoral Registration

If you live in Nottingham City, access to certain services may be affected if you are not on the electoral register. It is a legal requirement to be on the electoral register.

*** Indicates a statutory condition as prescribed by the Housing Act 2004**

For more information please visit www.nottinghamcity.gov.uk/about-the-council/voting-elections/register-to-vote/

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