

# Selective Licensing Conditions

## Section 1 – Mandatory Conditions

1. Gas - If gas is supplied to the property, the licence holder shall ensure that all gas installations and appliances are kept in a safe condition. The licence holder must have available a current valid gas safety certificate obtained within the last 12 months by a Gas Safe registered engineer.

Any defects noted on the certificate must be promptly rectified and certificated as satisfactory.

This certificate must be provided to the Council within 28 days on demand. 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. Electrical Appliances - The Licence holder shall keep all electrical appliances supplied in a safe condition and must provide a declaration as to their safety at the time of application and thereafter on demand.
3. Furniture and Furnishings - The Licence holder shall ensure that furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended 1989 and 1993) and must provide a declaration as to their safety at the time of application and thereafter on demand.
4. The licence holder must ensure that the electrical installation in the property is inspected and tested by a person who is qualified and competent, at least every 5 years. Landlords must provide a copy of a satisfactory electrical safety report to the tenant and supply to the local authority on demand.
5. Smoke Detectors and Carbon Monoxide Alarms - The licence holder must ensure that a minimum of one smoke detector is installed to each storey of the property where there is a room that is used wholly or partly as living accommodation (including bathroom or lavatory) and ensure any such alarm is in proper working order at the onset of any tenancy.

The licence holder must ensure that a carbon monoxide detector is installed in any room which is used wholly or partly as living accommodation and contains a fixed combustion

appliance (excluding gas cookers) and ensure any such alarm is in proper working order at the onset of any tenancy.

The licence holder (or someone acting on the licence holder's behalf) must ensure all smoke and carbon monoxide alarms are repaired or replaced once informed and found that they are faulty and provide a declaration as to their position and condition to the Council on demand. Evidence of this must be kept for the term of the licence.

6. Tenant References - All landlords must demand references, in respect of prospective tenants, prior to the commencement of any tenancy.

Please see condition 8 for additional discretionary condition in relation to tenant referencing.

7. Terms of Occupation - Occupiers of the house must be provided with a written, signed statement detailing the terms on which they occupy it (e.g., tenancy agreement or licence). The written agreement shall be clear about tenant's responsibility for not causing antisocial behaviour and that breach of this requirement may lead to eviction. This must be submitted to the Council within 7 days on request.

Information provided to the tenant must include:

- Name and address of licence holder or managing agent
- Contact address and daytime telephone number
- Emergency telephone number
- Copy of the landlord licence including conditions
- Where a bond has been taken, deposit amount and information as to where the deposit is protected.

The licence holder must ensure they act within the responsibilities contained within the agreement and carry out all landlord functions in a professional manner.

## Section 2 – Property Management

8. Tenant References – The licence holder must take all reasonable steps to obtain such references and keep a record of the steps that have been taken. The reference request must include requests for sufficient information as to allow the licence holder or their representative to make an informed decision regarding the suitability of the property for the proposed tenant.

The reference requests and any information received must be made available to the Council on request. If consent is required for the disclosure of any information to the Council, the licence holder must take all reasonable steps to obtain such consent and must keep a record of the steps taken to be disclosed to the Council on request.

9. If the licence holder identifies any housing support needs for the tenant, they must ensure that a housing support plan, and the provision of support under the plan, are put in place for the tenant prior to the commencement of the tenancy. If any other support needs are identified, the licence holder will ensure that any necessary referrals are put in place prior to the commencement of the tenancy.
10. The licence holder must ensure the property is safe and free from category 1 hazards.
11. The licence holder must ensure that the property is fit for human habitation at the start of, and at all times during, any tenancy and must take all reasonable and practical steps to respond to repair and maintenance issues at their property and comply with their legal requirements. Any necessary works must be undertaken within a reasonable time and in accordance with the requirements of the tenancy agreement and the law.
12. Landlords of domestic accommodation should ensure a risk assessment is carried out for Legionella bacteria at the outset of each tenancy and thereafter maintain control measures to minimise the risk.
13. An Energy Performance Certificate (EPC) is to be provided to the tenant before they occupy the property.

Under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 properties let to new tenants after 1st April 2018 must have a rating of E or above. From 1 April 2020 all tenancies must be rated E or above.

14. The licence holder must ensure that they or someone acting on their behalf carry out inspections once every 6 months to ensure the minimum standards are maintained in accordance with current legislation.
15. The licence holder must assist the tenant and their household to find suitable alternative temporary or replacement accommodation as necessary if substantial remedial works are undertaken unless the works required were as a result of wilful damage by the occupant. This would include liaising with the Council's Housing Solutions service.

16. The licence holder must not let the property so that it would be overcrowded for the purposes of the Housing Act 1985 or give rise to an overcrowding hazard under Part 1, Housing Act 2004.

Any tenancy agreement used by the licence holder must include a provision requiring the tenant to seek the licence holder's consent before allowing any other person to live in the property during the tenancy, and such consent must not be given if the additional occupier(s) would cause the property to be overcrowded.

#### Definition of overcrowding

"Section 325 of the Housing Act 1985 provides that there is overcrowding wherever there are so many people in a house that any two or more of those persons, being ten or more years old, and of opposite sexes, not being persons living together as husband and wife, have to sleep in the same room".

17. The exterior of the property must be maintained in a reasonable condition and good state of repair
18. Exterior and boundary walls and fences must be kept maintained, secure and free from graffiti.
19. Advise occupants of their responsibility to keep gardens, yards and within the property boundary clean, tidy, and free from rodent infestations.
20. At the start of each tenancy the licence holder will ensure that any waste left by a previous tenant within the curtilage of the property (inside and outside) is removed. If employing a third party to carry out any such clearances, they must ensure that they are a registered waste carrier and are able to provide written evidence for inspection on request.
21. The licence holder must provide tenants with adequate facilities for the storage and disposal of household refuse, including the provision of a refuse and recycling facilities.

The licence holder must at the beginning of the tenancy provide written information to the occupiers on:

- a) Which day refuse collections take place
- b) What type of bins to use for household and recycling waste
- c) Details on the Council's waste management services

- d) The occupier's responsibility to put bins out ready for collection and return to the boundary of the property after collection
  - e) That the occupiers should arrange for disposal or collection of any additional waste that does not fit in the bin as soon as reasonably possible
  - f) The licence holder will as far as reasonably possibly adhere to these conditions when the property is unoccupied.
22. The licence holder shall ensure adequate security measures are in place by complying with the following:
- a) That any emergency works needed to protect the security of the property are carried out within 48 hours of being notified – e.g., open to access or damage to doors/windows
  - b) The security provisions for the access to the dwelling (including but not limited to locks, latches, deadbolts, and entry systems) must be maintained in good working order
  - c) Where window locks are fitted, that keys are provided to the occupant
  - d) Where previous tenants have not surrendered the keys that a lock change is carried out prior to new occupants moving in.

### Section 3 – Tenancy Management

23. Landlords must ensure that all new tenancy deposits are protected in one of the statutory tenancy deposit protection schemes within 30 days of receiving the deposit and provide a certificate of protection and the prescribed information to the tenant and any other relevant persons. The prescribed information must be re-served if there are changes or extensions to the tenancy. is to be provided to the tenant before the commencement of each tenancy. Failure to do so may invalidate a section 21 notice for possession. For further information contact: [www.gov.uk/tenancy-deposit-protection](http://www.gov.uk/tenancy-deposit-protection)
24. The licence holder must provide the tenant with a written receipt for all cash rental payments received. (This does not affect the legal requirement to provide a rent book for rent paid on a weekly basis). Where rent is paid monthly, the licence holder must provide the tenant with a clear rent statement when requested by the tenant.

### Section 4 – Anti-Social Behaviour

25. The licence holder must take all reasonable and practicable steps to prevent antisocial behaviour should it be found that the property is the source of antisocial behaviour or being

used for illegal or immoral use. Evidence of the steps taken must be kept for the duration of the licence period and be made available to the Council upon request.

26. The licence holder will co-operate with Durham County Council, Durham Constabulary, and other agencies in resolving complaints of antisocial or criminal activity at their property and where the licence holder (or someone acting on their behalf) has been invited to a multi-agency meeting or case conference in relation to their tenant, they shall endeavour to attend. The licence holder will provide information to the Council on how complaints will be dealt with.
27. The licence holder must take proactive measures to deal with antisocial behaviour and nuisance (warnings, legal action) as soon as they become aware of a problem. The licence holder must take steps to terminate the tenancy following advice from the Council should it be found that the property is a source of antisocial behaviour or being used for illegal or immoral purposes.
28. The licence holder will inform the tenant in writing within 14 days of receiving a complaint to advise the tenant of the nature of the complaints and the consequences of its continuation up to and including eviction.
29. The licence holder will make tenants aware of services and how to report Anti-Social or nuisance behaviour.
30. The licence holder will provide to the Council upon request the full names and dates of birth for each occupant if there is Anti-Social behaviour at the property.

#### Section 5 – General

31. Where the licence holder has benefited from a licence discount rate for being a member of an accredited scheme, they must keep their membership valid for the duration of the licence or the discount will be removed.
32. The address supplied on the application form will be the one used for service of notices, letter and other documents and it is the responsibility of the licence holder to ensure they collect any documentation sent to them.
33. The licence holder must be a permanent resident in the United Kingdom or have a managing agent in place that is a permanent resident in the United Kingdom.

34. The licence holder and/or their nominated managing agent shall undertake training courses provided through the Council when requested.
  
35. The licence holder shall inform the licensing team at the Council directly in writing or email of the following within 28 days of the change occurring:
  - a) Any change of ownership or management of the property
  - b) Any change in address, email, or telephone number of the licence holder
  - c) Of any matter that may affect whether the licence holder is still a fit and proper person during the continuation of the licence.
  
36. The licence holder shall allow the Council to carry out licence compliance inspections. The council will give the licence holder at least 48 hours' notice of these visits. If the inspection is because the Council suspects there has been a breach of licence conditions, then no notice period will be provided.