

Appendix 2

Selective Licensing Conditions



Selective Licensing Conditions

1 Fit and Proper Person

1.1 The licence holder must at all times be a fit and proper person to be the licence holder. The licence holder must notify the Local Authority within 7 days of a finding by any court that the licence holder or any person involved in the management of the house has committed any of the matters identified at 1.1 (a) to (c) below. In deciding for the purposes of the Housing Act 2004 section (3) (a) or (c) whether a person is a fit and proper person to be a licence holder or the manager of the house, the local housing authority must have regard to any offences as follows;

- (a) Any offences involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 of the Sexual Offences Act 2003
- (b) Any unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with the carrying on of any business.
- (c) Any contravention of any provision of the law relating to housing or of landlord and tenant law.
- (d) Any person involved in the management of the property has sufficient level of competence to be so involved.
- (e) Any person involved in the management of the house is a fit and proper person to be so involved.
- (f) Provision of adequate management structures and funding arrangements.

Our licensing conditions will be amended to reflect any legislative changes to definition.

2 Mandatory Conditions – Schedule 4 of the Housing Act 2004

2.1 Gas

If gas is supplied to the property, the licence holder must provide to Sefton Council a Gas Safety Certificate issued within the previous 12 months at the time of application and thereafter annually or on demand.

2.2 Electrical Appliances and Installation

Electrical Appliances

The licence holder must keep all electrical appliances supplied in a safe condition and must supply to Sefton Council on demand a declaration by him as to the safety of such appliances.



Electrical Installation

Where the house is in England, additionally-

- (i) to ensure that every electrical installation in the house is in proper working order and safe for continued use; and
- (ii) to supply the authority, on demand, with a declaration by him as to the safety of such installations;

For the purposes of paragraph (i) “electrical installation” has the meaning given in regulation 2(1) of the Building Regulations 2010.”

2.3 Furniture

The licence holder must ensure that furniture made available by him (or if he is not the landlord, by the landlord) in the property is in a safe condition. All upholstered furniture and covers and fillings of cushions and pillows should comply with current fire safety legislation. A declaration as to the safety of such furniture must be provided to Sefton Council on demand.

2.4 Smoke Alarms

The licence holder must ensure that smoke alarms and carbon monoxide alarms are installed in the property in accordance with condition 2.5 to comply with The Smoke & Carbon Monoxide alarm (England) Regulations 2015 and keep each alarm in proper working order. The licence holder must supply Sefton Council, on demand, a declaration as to the condition and positioning of such alarms.

2.5 The Licence holder must ensure that:

- 2.5.1 A smoke alarm is installed on each story of the premises on which there is a room used wholly or partly as living accommodation (including a bathroom or lavatory); and
- 2.5.2 A carbon monoxide alarm is installed in any room which is used wholly or partly as living accommodation (including a bathroom or a lavatory) and contains a solid fuel burning combustion appliance.
- 2.5.3 The licence holder must ensure that all alarms are in proper working order at the commencement of any new tenancy or licence.

2.6 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 (a suitable tenancy agreement).



2.7 Tenant references

The licence holder must demand references from persons who wish to occupy the house, prior to a tenancy being granted. The landlord should ensure that the occupier will be a suitable tenant. If there is a risk [eg due to previous ASB] that a tenant may cause a nuisance within the home or neighbourhood, that measures are put in place to mitigate those risks. The licence holder must retain all references obtained for the duration of the licence

3. Sefton Council Licensing Conditions

3.1 Tenancy Management

The licence holder will provide the tenant with an information pack containing the following documents:

- (a) A true copy of the licence to which these conditions apply;
- (b) A notice with the name, address, daytime and emergency contact number of the licence holder or managing agent; *(This information is also to be provided to Sefton Council)* Any changes in contact details should be provided to occupiers within 7 days of the changes.
- (c) True copy of current gas safety certificate
- (d) True copy of the current Electrical Installation Condition Report (EICR) that must not be more than 5 years old.
- (e) True copy of current energy performance certificate *(Certificate must be provided to Sefton Council within 28 days on demand.)*
- (f) Statement of the terms of occupation
- (g) Latest edition of the “How to Rent Guide – a checklist for renting in England”
- (h) Details of arrangements for the storage and disposal of waste;
- (i) Tenants responsibilities in the storage and presenting of refuse for disposal.
- (j) Details explaining how the tenant can make a complaint in relation to matters concerning their occupation and how the licence holder/manager will deal with such, including the timescales for completion of repair works.
- (k) Where a deposit has been taken in connection with the tenant’s occupation of the property, information on the prescribed form required by s213(5) Housing Act 2004. *(This information must be provided to Sefton Council within 28 days on demand.)*
- (l) A user manual/written instruction for the correct operation and setting of the fixed form of heating.

3.1.2. The Licence holder must:-

- a) provide the Council with a copy of the ‘Tenant Information Pack’ (including any document contained within it) for inspection within 7 days of the demand;



b) carry out 'Right to Rent' checks in accordance with Home Office requirements prior to agreeing to a tenancy (guidance downloadable from www.gov.uk);

c) provide to the Council on demand proof of the 'Right to Rent' check for inspection within 7 days of the demand.

3.2 Property Management

- 3.2.1 The licence holder must ensure that any remedial works to rectify disrepair issues identified are undertaken within a reasonable period of time, and within the timescales notified to the occupiers under condition 3.1(j). The works must be carried out by competent and reputable persons.
- 3.2.2 The licence holder must ensure, insofar as reasonably possible, that emergency works necessary to protect the security of the property are undertaken within 24hrs of notification e.g. damage to windows/entrance points to the property.
- 3.2.3 The licence holder must provide on demand an Electrical Report (usually an 'Electrical Installation Condition Report' or 'EICR') for all fixed electrical installations within the premises. Every electrical installation must be inspected and tested by a suitably 'qualified and competent person', at intervals of no more than 5 years; or at a shorter interval if stipulated on a previous report. The person carrying out the inspection & testing and producing the EICR must be a member of <https://www.electricalcompetentperson.co.uk/> and specifically registered to carry out such 'inspection and testing', or be able to satisfy the LHA that they are both 'qualified' and 'competent' to carry out inspection & testing (i.e. they hold adequate public liability & professional indemnity insurance, have sufficient experience of carrying out periodic inspection and testing of electrical installations and appropriate qualifications covering both the current version of the Wiring Regulations and specifically for periodic inspection, testing and certification of electrical installations).
- 3.2.4 Should the Electrical Report (usually an 'Electrical Installation Condition Report' or 'EICR') specify the installation to be unsatisfactory then the licence holder must ensure that the works necessary to bring it up to a satisfactory condition are completed as soon as possible but within a reasonable timescale depending upon the nature of the problem.
- 3.2.5 The licence holder must ensure that as well as the declaration and Mandatory condition of providing annual Gas Safe Certificate, landlords of a property also have further duties under the Gas Safety (Installation and use) Regulations 1998, whereby they are required to provide on-going maintenance of the gas installation Landlords/Licence holders should not assume that by carrying out annual gas safety checks will be sufficient to provide effective maintenance; advice of a competent person should be sought. All such maintenance works to be carried out by a Gas Safe registered engineer.



- 3.2.6 As far as is reasonably practicable, the landlord/licence holder shall not allow the property to become overcrowded.
- 3.2.7 The licence holder must provide adequate facilities and amenities (such as toilets, baths, showers, washing and cooking facilities) as per the number of occupiers. All facilities and any equipment provided including cupboards, shelving or fittings etc. must be maintained in good repair and working order as far as is reasonably practicable.
- 3.2.8 The licence holder/manager shall take reasonable steps to ensure that the property is free from any pest infestation at the start of a tenancy and where necessary ensure that a treatment programme is carried out to eradicate the pest infestation. Record of such treatment programmes must be kept and provided to Sefton Council within 28 days on demand.

3.3 External areas, refuse & waste

The licence holder must ensure that:

- (a) The exterior of the property is maintained in a reasonable decorative order and state of repair;
- (b) At the commencement of a new tenancy any gardens, yards and other external areas within the curtilage of the house must be in a reasonably clean and tidy condition and free from rodent infestation, and
- (c) Suitable and adequate provision is made for storage of refuse generated in the property and that occupants use receptacles provided by Sefton Council for storage prior to collection. (wheeled bins or refuse sacks)
- (d) The tenants are adequately informed of their duty with regards to refuse collection particularly that the wheeled bins or plastic refuse sacks (if wheeled bins are not provided) must not be presented for collection for a period of more than 12 hours prior to collection.
- (e) Any new occupant of the building is notified of the date of collection for the wheeled bins/refuse sacks.

3.4 Security

The licence holder must ensure that:

- (a) 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 at all times.
- (b) Where window locks are fitted, and keys are available the licence holder will ensure that keys are provided to the relevant occupant.
- (c) Where a burglar alarm is fitted to the house, the licence holder must provide the occupant with instructions on how to operate the alarm and how to report a fault with the system and must inform the Local Authority of the key holder contact details.



- (d) Where previous occupants have not surrendered keys, the licence holder will arrange for a lock change to be undertaken, prior to new occupants moving in.
- (e) Where alley gates are installed to the rear of the licensed property, the licence holder must at the time of letting, provide all new tenants with the appropriate alley-gate key and replace any such keys prior to any tenancy starting. The licence holder must ensure that all tenants surrender the alley gate key at the end of their tenancy.

3.5 Energy Performance

The Licence Holder must provide the tenant of the licenced dwelling with an Energy Performance Certificate (EPC). The Licence Holder must provide a copy of the EPC to the Council on demand. A property CANNOT be privately rented if the property has an EPC rating of F or G (38 or lower).

3.6 Training

The Licence Holder and/or Manager shall undertake property management training courses where required to do so by Sefton Council.

3.7 Absence

The licence holder is required to have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details of the licence holder and/or manager must be supplied to each occupier.

3.8 Compliance Inspections

The licence holder must allow the Council to undertake compliance checks. Council Officers will give the licence holder and/or the tenant at least 24 hrs notice of these checks and produce valid authorisation at the time of the visit.

3.9 Anti-Social Behaviour

The licence holder must:

- (a) Take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of the premises for illegal purposes.



- (b) The licence holder must ensure that any tenancy agreement granted after the issue of this licence includes the following clause within the tenant's obligations:

“Nuisance and Anti-social Behaviour: Not to cause, or allow household members, or visitors to engage in anti-social behaviour, which means any conduct causing or capable of causing a nuisance or annoyance to the landlord, other occupiers, neighbours or people engaging in lawful activity within the locality”

The property must be regularly monitored between tenancies to ensure that it does not cause a nuisance to neighbours or other local residents.

- (c) Effectively address all problems of anti-social behaviour resulting from the conduct on the part of a tenant, occupiers, or visitors to the premises by complying with the “ASB information for Landlords” pack or an equivalent process.
- (d) Provide on demand a written action plan to Sefton Council outlining procedures for dealing with anti-social behaviour. This must be reviewed periodically and submitted to the Council on demand.
- (e) Demand tenant references prior to granting a tenancy as to previous tenancy conduct, including behaviour of the proposed occupier and household and be satisfied that the tenant is not likely to cause any anti-social behaviour.
- (f) Co-operate with Sefton Council, Merseyside Police and other agencies in resolving complaints of anti-social behaviour.
- (g) Undertake an investigation of any complaints of anti-social behaviour regarding their tenants. Written records of these will be required excluding any information which the licence holder reasonably believes to have been provided to him in confidence by a third party.
- (h) Provide the occupiers of the property with written confirmation detailing arrangements in place to report nuisance and anti-social behaviour.

3.10 HMOs

Licence Holders for premises that are ‘Houses in Multiple Occupation’ (HMOs) as defined in sections 254 and 257 of the Housing Act 2004, must comply with the following regulations and standards;

- i. *‘The Licensing & Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006’* – Statutory Instrument (SI) N° 373, as amended by Regulation 12 of SI N° 1903:2007.
- ii. *‘The Management of Houses in Multiple Occupation (England) Regulations 2006’* – SI N° 372: 2006



- iii. *'The Licensing & Management of Houses in Multiple occupation (Additional Provisions) (England) Regulations 2007' – SI N° 1903*
- iv. *'The Smoke and Carbon Monoxide Alarm (England) Regulations 2015'*
- v. *'Gas Safety (Installation & Use) Regulations 1998'*
- vi. *'The Furniture & Furnishings (Fire)(Safety) Regulations 1988'*
- vii. *'Electrical Equipment (Safety) Regulations 1994'*
- viii. *The **Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020***

The above standards and requirements are summarised in this authority's **'Approved Standards for Houses in Multiple Occupation'**
https://www.sefton.gov.uk/media/1187825/hmo_standards.pdf

Full Fire Safety Guidance is provided by LACORS
<https://www.sefton.gov.uk/media/1187781/LACORS-Fire-Safety-Guide.pdf>

3.11 Variations

The licence holder must inform the Council, in writing, of any changes to the occupation, ownership or management or material changes to layout of the property, as listed below within 14 days of the change occurring:

- a) Changes in the number of persons to occupy the licensed premises
- b) Changes in the ownership of the property
- c) Licence holder change of address or contact telephone number
- d) Manager change of address or contact telephone number
- e) Change of manager
- f) Appointment of manager
- g) Changes to the layout, amenity provision or fire precautions.

