

Appendix E – Property licence conditions

The following conditions are to be adopted by the council for selective licensing and will supersede previously adopted selective licensing conditions and be applied to any further selective licensing designations unless further amended.



Conditions for Licenced Properties (Selective Licensing)

Standard terms for licences granted under Part 3 of the Housing Act 2004 (The Act).

Licence terms and limitations

- A licence relates only to the house described on the licence and Notice of Approval.
- A licence may be granted before the time it is required but the licence will not come into force until the date specified on the licence.
- The length of the licence is that stated on the licence document unless either of the following apply:
 - The licence will cease if the Licence Holder dies whilst the licence is in force.
 - The licence is revoked under section 93 or 93A of the Housing Act 2004.
- This licence continues for the period of the licence, even where the house is no longer a house under Part 3 of the Act, or becomes an HMO to which Part 2 applies, unless it is revoked under section 93 or 93A of the Housing Act 2004 or terminated upon the Licence Holder's death (see below).
- This licence may not be transferred to another person or organisation.
- If the Licence Holder is a company or partnership and it dissolves whilst the licence is in force, the licence ceases to be in force on the date of dissolution.
- If the Licence Holder dies while the licence is in force, the licence ceases to be in force on his death. However, during the period of 3 months beginning with the date of the Licence Holder's death, the premises is to be treated for that period as if a Temporary Exemption Notice had been served under section 86 of the Act, exempting the house from the requirement to be licensed. If on the expiry of the 3 months initial period, representatives of the deceased Licence Holder apply for a further exemption from the date the initial period ends, the premises is to be treated for that period as if a Temporary Exemption Notice had been served, exempting the house from the requirement to be licensed. Procedural rules and appeals as specified in section 86 (6) to (8) (with any necessary modifications) of the Act will apply.

In these licence conditions:

- All references to *'the Council'* in these conditions are to be read as meaning the London Borough of Barnet.
- *"The Act"* means the Housing Act 2004.
- *"room"* includes a hall or landing.
- *"living accommodation"* includes a bathroom or lavatory.
- *"house"* refers to the building or such part of it as is licensed under Part 3 of the Housing Act 2004.

- “*Licence Holder*” is the person named on the licence as being the Licence Holder and to whom the licence has been granted by the Council.
- “*The Manager*” is the person named on the licence as being the Manager

Selective Licence Conditions

The following standard licence conditions will be applied to all licences that are issued. They comprise those set down in legislation (*mandatory conditions*) and also local conditions (*discretionary conditions*), which will be unique licence conditions applied to licences, dependent on the information supplied at the time of application and the property use.

1. Tenancy agreement

- 1.1 The Licence Holder shall supply the occupiers of the property with a written statement of the terms (such as a tenancy agreement) on which they occupy the property.
- 1.2 A copy of the written statement must be supplied to the Council by the Licence Holder within 14 days of a request in writing from them to do so.
- 1.3 Where the rent is payable weekly, payments shall be recorded in a rent book to be retained by the resident. Otherwise, a written receipt of each rental payment shall be issued to residents. Where rent is paid by standing order or direct debit and recorded on bank statements, this satisfies the requirement to provide a written receipt of each rental payment to the tenants.

2. References

- 2.1 The Licence Holder must obtain references from persons who wish to occupy the house and copies of these are to be retained for the duration of the licence.
- 2.2 A copy of these must be supplied to the Council by the Licence Holder within 14 days of a request in writing from them to do so.

3. Copies of the property licence

- 3.1 The Licence Holder shall ensure within one month of the licence having been granted, that a copy of the licence and licence conditions is given to the occupier(s). A copy must also be given to any new occupier(s) taking up residence of the property during the licence period.

4. Permitted persons for the house

- 4.1 The Licence Holder must not allow the property to be used or occupied otherwise than in accordance with this licence.
- 4.2 Maximum numbers of persons permitted to occupy the licensed premises are given in the table below.

Total maximum permitted number of persons for the house	-
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5. Occupancy particulars

- 5.1 The Licence Holder shall if required by written notice, provide the Council in writing within 14 days and otherwise as may be required in these licence conditions, the following particulars in relation to the occupancy of the house:
- The names of persons living in the house
 - The dates when those persons moved into the house

6. Gas safety

- 6.1 Where gas is supplied to the house, the Licence Holder shall be responsible for ensuring that all gas installations comply with the Gas Safety (Installation and Use) Regulations 1998 (as amended) and ensure that arrangements are made for gas installations and appliances to be inspected annually by a competent Gas Safe registered engineer.
- 6.2 If the inspection of the gas installations and appliances identify necessary remedial works, these must be carried out by a competent Gas Safe Registered engineer.
- 6.3 The Licence Holder must submit a copy of the current gas safety certificate to the Council annually and otherwise as may be specified in the licence conditions. The certificate shall be no more than 12 months old at the date of submission.

7. Fixed Electrical installations

- 7.1 The Licence Holder must ensure that every electrical installation in the house is in proper working order and safe for continued use.
- 7.2 The Licence Holder shall if requested in writing, provide the Council with a current test certificate for the fixed electrical installation. Any report should be less than five years old at the date of submission. The test certificate is to be provided within 14 days of a request from the Council to do so and otherwise as may be specified in these licence conditions.

8. Condition of Furniture and Electrical Appliances

- 8.1 The Licence Holder shall ensure that furniture made available 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. During the inspections specified in condition 13.3, the Licence Holder shall undertake a visual check of such furniture and a declaration as to the safety of such furniture must be provided to the Council within 14 days on demand.
- 8.2 All electrical appliances where present and supplied by the Licence Holder, should be kept in a safe condition and regularly inspected, as part of a

maintenance programme. In addition, a Portable Appliance Test (PAT) should be undertaken in accord with the following schedule: -

Refrigerators/washing machines/electric fires	4 Years
Portable equipment	2 Years

8.3 Inspections of electrical appliances shall be carried out by a suitably qualified and competent person. Copies of any PAT certificates must be supplied to the Council by the Licence Holder within 14 days of a request in writing from them to do so.

8.4 A declaration as to the safety of electrical appliances and furniture provided by the Licence Holder shall be supplied to the Council within 14 days of a written request from them to do so and otherwise as may be required in these licence conditions. Copies of the declaration are to be made available to occupants of the house.

9. Smoke alarms

9.1 The licence Holder shall: -

Ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation, and

keep each such alarms in proper working order; and

shall supply to the Council, a written declaration as to the position and condition of those smoke alarms within 14 days of a written request from them to do so and otherwise as may be specified in these licence conditions.

10. Carbon Monoxide Alarms

10.1 The Licence Holder: -

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 fixed combustion appliance; and

keep each such alarm in proper working order; and

shall supply to the Council, a written declaration as to the position and condition of the carbon monoxide alarms within 14 days of a written request from them to do so and otherwise as may be specified in these licence conditions.

11. Security

11.1 The Licence Holder must maintain in a good working order all external door and window locks and/or other measures or fittings provided to resist a forced entry to the property. Where intruder alarms are provided, this includes testing and replacing any batteries, servicing the installation etc. as necessary to ensure it

is in a fully functioning condition. The Licence Holder must take steps to ensure that the occupiers are made aware of how to use such fittings, measures or equipment.

12. Energy efficiency

- 12.1 The Licence Holder shall supply to the occupiers, a valid energy performance certificate (EPC) for the property where one is required to comply with the Domestic Minimum Energy Efficiency Standard (MEES) Regulations current at the commencement of the licence. A copy of the EPC shall also be supplied to the Council within 14 days of a request by them in writing to do so or otherwise as may be specified in these licence conditions.

13. Management practice

- 13.1 The Licence Holder shall provide the tenants and the Council, within 14 days of a request from the Council to do so and otherwise as may be specified in the conditions to this licence, written confirmation of how they will undertake routine or reactive maintenance, pest control and any repair or maintenance programme.
- 13.2 The tenants are to be advised in writing at the start of their tenancy of the arrangements in place to deal with repair and emergency matters, including 24-hour response arrangements. This should include alternative arrangements for situations in which the Manager is unavailable.
- 13.3 The Licence Holder shall ensure that inspections of the property are carried out regularly, giving the appropriate notice to the tenant, and at least once every six months, to identify any problems relating to the condition and management of the property. (This inspection can be undertaken at the same time as the inspections required by conditions 13.4 and 15.5). As a minimum requirement, records must be kept and contain a log of who carried out the inspection, the date and time of inspection and any issues found, and action(s) taken to deal with those issues. The records of such inspections shall be kept for the duration of this licence and made available for inspection by a visiting Council Officer. A copy of such records shall also be provided to the Council within 14 days of a request in writing from them to do so.
- 13.4 The Licence Holder shall regularly and at least once every six months, inspect or take other measures to ensure that any yards and/or gardens to the house, are kept clean and tidy. Where this is not the case, the licence holder shall write to the tenant to remind them of their obligations and to take steps within 14 days to clean and tidy them. The inspection can be undertaken at the same time as the inspections required by conditions 13.3 and 15.5).
- 13.5 All repairs, improvements or treatments to the house, installations, facilities and equipment are to be carried out by a competent person or persons.

14. Managing anti-social behaviour

- 14.1 The Licence Holder shall provide the tenants and the Council, within 14 days of a request from the Council to do so and otherwise as may be specified in the conditions to this licence, written confirmation of how they will manage complaints of anti-social behaviour and what action the tenants should take if notified by the Licence Holder that complaints of anti-social behaviour have been made relating to the property or the occupation of it.
- 14.2 The Licence Holder must ensure that any anti-social behaviour by residents or their visitors, to anyone else in the property (or in its locality), is dealt with appropriately and effectively in line with the Council's guidance note. In this regard, the Licence Holder or their agent shall investigate complaints of noise and other possible sources of nuisance or anti-social behaviour, whether these complaints are made by the residents of the property or by residents of neighbouring premises. The landlord shall take all reasonable steps to resolve the problem. On request, the Licence Holder must demonstrate to the satisfaction of the Council, that they have taken all reasonable and practicable steps when dealing with complaints of anti-social behaviour made against the occupants or their visitors. Documentary evidence of this shall be provided within 14 days of a request in writing from the Council to do so.

15. Waste Disposal

- 15.1 The Licence Holder shall comply with London Borough of Barnet's Household Recycling and Waste Policies.
<https://admin.barnet.gov.uk/sites/default/files/2020-02/Household%20Recycling%20and%20Waste%20Policies.pdf>
Any queries should be made via the CSI mailbox: CSI@barnet.gov.uk
- 15.2 The Licence Holder must ensure that suitable and sufficient recycling and waste containers are available for tenants' use, ensuring that tenants are made aware of the arrangements for the correct presentation and collection of recycling and waste.
- 15.3 The Licence Holder must give new occupiers of the property within 7 days of the start of their occupation, the following information on Waste and Recycling, in writing:
- a) The collection days for the refuse and recycling bins for the property (<https://www.barnet.gov.uk/recycling-and-waste/bin-collections>)
 - b) Details on what they can and can't recycle (<https://www.barnet.gov.uk/recycling-and-waste/household-recycling-and-waste>)
 - c) How they can dispose of bulky waste. (<https://www.barnet.gov.uk/bulkywaste>)
 - d) General waste guidance from the Council's website: (<https://www.barnet.gov.uk/recycling>)
- A copy of the information provided to the occupiers must be kept for 5 years and provided to the Council within 14 days on demand.

15.4 Information provided by the Licence Holder must be provided in a clear and easy to understand format which tenants can refer to throughout the period of their tenancy and should include the following: -

- How household recycling and residual waste should be separated, stored and placed out for collection in the correct containers.
- How to dispose of bulky household waste.
- If applicable, the licence holder must inform tenants of the arrangements for accessing communal recycling and waste containers that are placed in secure areas and ensure that tenants are able to access these.

15.5 The Licence Holder must carry out regular checks and at least once every six months throughout the duration of the licence, to ensure that all tenants are complying with their responsibilities with regards to the storage and recycling of waste (including bulky waste) within the property and any exterior areas within the curtilage of the house and its placement for collection in accordance with the policies set out by the Council. (This inspection can be undertaken at the same time as the inspections required by conditions 13.3 and 13.4).. Checks should be recorded, and records should be made available to the Council within 14 days of a written request from them to do so.

15.6 The Licence Holder must ensure that any type of waste which the Council does not routinely collect such as hazardous waste, and which is the responsibility of the Licence Holder is disposed of in a safe and lawful manner.

16. Training

16.1 The Licence Holder shall if requested in writing by the Council, attend a training course(s) in relation to management practice and procedures. One means of doing so would be to become accredited through the London Landlord Accreditation Scheme (LLAS) or similar scheme accepted by the Council. Training is to be completed within 3 months of such a request or such other period as may be specified in conditions to this licence. Documentary evidence of the training or accreditation will be required and is to be produced within 14 days of a request in writing from the Council to do so. For more information on the London Landlord Accreditation Scheme, please visit <https://www.londonlandlords.org.uk/>

17. Material changes to the licensed property or Licence Holder

17.1 If there is a material change of circumstances affecting the Licence Holder, the management or the operation of the property, the Licence Holder must inform the Council immediately. This includes anything that would affect the “fit and proper” status of the Licence Holder, Manager or others involved with management of the house. The Licence Holder must inform the Council of any proposals to change the Manager named on the licence as the proposed new Manager will be subject to the fit and proper person test and an application to vary the licence must be made. The Licence Holder shall also inform the Council of any changes to the business address of any of the parties named on the licence during the licence period.

- 17.2 No alteration to or occupation of the property which may affect the contents or conditions of the licence may be made without the prior written consent of the Council.

Notes relating to selective licence conditions

Paragraphs 18 to 29 are not licence conditions but provide supporting information to Licence Holders

18. Variations to the licence

- 18.1 If at any time during the period of licence, there has been a change of circumstances to the premises from the time the licence was granted, the Council may vary the licence on its own initiative or on an application made by the Licence Holder or a relevant person.

19. Failure to comply with licence conditions

- 19.1 Failure to comply with any licence condition may result in proceedings with a fine for a summary conviction. As an alternative, a financial penalty may be imposed by the Council of up to £30,000. Failure to comply with licence conditions or other relevant offences or wrongdoings may affect the Licence Holder's "fit and proper" status. The licence may also be revoked by the Council.

20. Grant of a licence

- 20.1 The property licence and conditions do not imply or grant by inference or otherwise, any approval or permission for any other purpose including Building Regulation and Planning purposes under the relevant Acts, or other statutory provisions or to leasehold terms and conditions. Conversely compliance with any of these requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

21. Other Obligations

- 21.1 As well as the conditions applying to this licence, there are various other relevant statutory obligations of which you should be aware. These include but are not limited to the following statutory provisions.

22. Planning permission

- 22.1 This licence does not grant any planning approval, consent or permission under the Town and Country Planning Act 1990 or any other planning legislation. You should contact the Council's planning service if you are intending to carry out any alterations or additions to the property or intend to change the use of the

property in such a way that may require planning consent or have already done so.

- 22.2 For further information on planning matters please contact the Planning Department on 020 8359 3000 or email planning.enquiry@barnet.gov.uk

23. Building control

- 23.1 This licence does not grant any Building Regulation approvals, consent or permissions retrospectively or otherwise. All extensions or alterations to the property or the installations therein, including the provision of new sanitary ware and other facilities, shall comply with the latest Building Regulations where these apply.
- 23.2 For more information on the requirements under the Building Regulations, please contact Building Control on 0208 359 4500.

24. Fitness for human habitation

- 24.1 Under the Homes (Fitness for Human Habitation) Act 2018, landlords must ensure that their property, including any common parts of the building, is fit for human habitation at the beginning of and throughout the tenancy.
- 24.2 The Council expects all licensed property to be fit for human habitation – the definition of fitness is contained in the Landlord and Tenant Act 1985.

A property may be unfit if:

- the building has been neglected and is in a bad condition
- the building is unstable
- there is a serious problem with damp
- it has an unsafe layout
- there is not enough natural light
- there is not enough ventilation
- there is a problem with the supply of hot and cold water
- there are problems with the drainage or the lavatories
- it is difficult to prepare and cook food or wash up
- there is a category 1 or 2 hazard under the housing health and safety rating System (HHSRS)

25. The Housing Health and Safety Rating System (Housing Act 2004)

- 25.1 This licence is not evidence that the property is free from hazards and defects. The Housing Health and Safety Rating System (HHSRS) introduced under Part 1 of the Housing Act 2004, applies to all residential premises including Houses in Multiple Occupation. This is an assessment method for hazards that are most likely to be present in housing and include fire, overcrowding, excess cold conditions, damp and mould, security and electrical safety among others of which there are 29 in total. The assessment could show the presence of serious

(category 1) hazards and/or other less serious (category 2) hazards. The Council has a duty to take the appropriate action in relation to category 1 hazards where these are found.

- 25.2 The Council, regardless of these licensing conditions, must seek to identify, remove, or reduce category 1 or category 2 hazards in the property under Part 1 of the Housing Act 2004. Over the duration of a licence, the Licence Holder may be required to provide full access for further HHSRS inspections and assessments to be carried out. Any defects found at inspection may require enforcement action to be taken.

26. Part X of the Housing Act 1985

- 26.1 This part of the Act sets out rules to prevent overcrowding in residential premises and has regard to both habitable room sizes and the number of rooms. This part of the Act can be found at the following website:
<https://www.legislation.gov.uk/ukpga/1985/68/part/X>

27. The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

- 27.1 These Regulations require landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every 5 years. Landlords have to provide a copy of the electrical safety report to their tenants and to the Council if requested and carry out any remedial works identified in the report.

For further information please visit

<https://www.gov.uk/government/publications/electrical-safety-standards-in-the-private-rented-sector-guidance-for-landlords-tenants-and-local-authorities/guide-for-landlords-electrical-safety-standards-in-the-private-rented-sector>

28. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

- 28.1 Private sector landlords are required to have at least one smoke alarm installed on every storey of their property and a carbon monoxide alarm in any room containing a solid fuel burning appliance (e.g. a coal fire, wood burning stove, etc.). After that, the landlord must make sure the alarms are in working order at the start of each new tenancy.

For further information, you can visit

<https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords/the-smoke-and-carbon-monoxide-alarm-england-regulations-2015-qa-booklet-for-the-private-rented-sector-landlords-and-tenants>

29. Fire Safety Order

- 29.1 An owner, manager or operator of a business will need to comply with fire safety law. The main law is the Regulatory Reform (Fire Safety) Order 2005 or "the Fire Safety Order".
- 29.2 The Order applies to virtually all buildings, places and structures other than individual private dwellings e.g., individual flats in a block or family homes but does include the common parts of HMOs and the common parts of blocks of flats and maisonettes.

For further information, you can visit

<http://www.london-fire.gov.uk/RegulatoryReformOrder2005.asp>

30. Domestic Minimum Energy Efficiency Standard (MEES) Regulations

- 30.1 The Domestic Minimum Energy Efficiency Standard (MEES) Regulations set a minimum energy efficiency level for domestic private rented properties. The Regulations apply to all domestic private rented properties that are:
- let on specific types of tenancy agreement
 - legally required to have an Energy Performance Certificate (EPC)

For further information, you can visit

Domestic private rented property: minimum energy efficiency standard - landlord guidance - GOV.UK (www.gov.uk)

31. General landlord and tenant matters

- 31.1 Tenants have certain legal rights in relation to their occupation of the premises. Landlords should have proper regard to these rights when exercising, for example, the following powers: -
- Terminating tenancy agreements.
 - Undertaking inspections of tenants rooms.
 - Imposing rent increases.
 - Reimbursing tenants rent deposits.
- 31.2 If Landlords have any doubts regarding their legal obligations under Landlord and Tenant Law, they should seek their own legal advice.
- 31.3 The Licence Holder should issue the occupiers with notification of the Licence Holder's legal duties to comply with the law (Sch 4 of the Housing Act 2004) and the requirements to share data with the Council without the occupier's consent, either expressed through the tenancy agreement or where there is no such term in the existing agreement, in a statement to this effect in writing to the occupier.

