**Licence Conditions - Introduction**

The aim of Licence conditions are to assist Licence holders to manage their letting businesses in a professional manor for the benefit of themselves, their tenants and their neighbours in the communities in which they let. The areas under selective licensing are struggling with issues of deprivation which ruin lives and suppress the housing market. Proactive management of properties and tenants by licence holders, supported by the local authority, will assist in the improvement of the area.

Key areas of management which will have positive impacts…

1. Prompt reactions to tenants’ concerns.
2. Improved management of the waste produced from let properties
3. Prompt intervention where tenants cause, or are subject to, antisocial behaviour.

The council expects a professional and proactive style of tenancy management from private landlords. This would include proactive assessment of their properties at least every 3 months (after offering a minimum of 24 hour notice to their tenants), addressing problems promptly (within 5 working days) using qualified and competent persons to deliver high quality, timely repairs and to keep records of all activity and contacts with tenants and contractors.

Waste management is a problem in many areas. Uncontrolled waste from your property will attract vermin, cause infestations and will be a nuisance which will have an adverse effect on the area. Mattresses, waste and furniture should be removed BEFORE a new tenancy begins (unless letting as ‘furnished’). Do not allow new tenants to dispose of waste from previous tenants. Actively controlling how you and your tenants manage waste will ultimately reduce your costs, help improve the area and protect your investment. Bulky waste collections can be arranged from the council at a small charge or you can use a registered waste collector.

Antisocial behaviour (ASB) in an area will harm individuals and reduce the desirability of that area, damaging your business. It is in both the landlords and the council’s interest to deal with the perpetrators swiftly. As licence holder, you can control who lives in an area, by sensible use of references before you let. If things go wrong, early, effective tenancy management can improve a situation. Many individuals will consider the possibility of losing their home a much stronger deterrent than a fine or court appearance. Working together, landlords, council and police have the power to change the nature of an area. The council and the police will assist you and offer advice regarding this issue. Please ensure your written tenancy agreement contains clauses which hold the occupants responsible for preventing any antisocial behaviour created by themselves or visitors.

**Rotherham Selective Licensing Conditions**

*These conditions, form part of your premises licence. They are* ***in addition*** *to all existing legislative requirements for the letting or property. Any failure to comply with these conditions is a criminal offence and may result in prosecutions and / or the revocation of your licence.*

*“house” is meant to refer to the building or part of a building, which is licensed under Part 3 of the Housing Act 2004.*

The selective licencing team can be contacted for advice, or to submit documentation required by these Licence Conditions, by email at; [landlordlicensing@rotherham.gov.uk](mailto:landlordlicensing@rotherham.gov.uk)

**Housing Act 2004 Prescribed Conditions S90(4) Schedule 4 (conditions 1-4)**

1. The licence holder must:
2. Obtain a valid Gas Safety Certificate on an annual basis, if gas is supplied to the house. A copy of this certificate must be provided to the Council within 14 days of the renewal date. A copy must also be provided to the tenant.
3. The licence holder must:
4. keep electrical appliances and furniture made available by him in the house in a safe condition, and
5. supply the authority, on demand, with a declaration and evidence of the safety of such appliances and furniture.
6. to ensure that every electrical installation in the house is in proper working order and safe for continued use; and
7. (ii) to supply the authority, on demand, with a declaration by him as to the safety of such installations;

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

1. The licence holder must:
2. 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.
3. 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; and
4. (i) keep each such alarm prescribed in 3a & 3b above in proper working order;

(ii) supply the authority, on demand, with a declaration and evidence as to the condition and positioning of any such alarm prescribed in 3a & 3b above.

**At the beginning of a tenancy**

1. The licence holder must provide each occupier of the house with a **written** statement of the conditions of the terms on which they occupy the house (tenancy agreement). The licence holder shall provide a copy of the said terms to the authority on demand. The licence holder must abide by the conditions and responsibilities contained in the tenancy agreement and carry out all landlord functions as laid down.
2. The licence holder must ensure that the tenant is given:
   1. The details of any utilities or other charges included in the rent;
   2. Information and instructions on the responsibility for payment of Council Tax

c. Information and instructions on the responsibility for payment of utilities and arranging provision of such.

1. The licence holder must obtain references or guarantees in respect of the person(s) who wish to occupy the property **before** any tenancy is granted. The licence holder should use the information provided to anticipate potential tenants who are likely to cause antisocial behaviour. Licence holders should either avoid such tenants or put in place adequate measures to manage the tenant, so they do not adversely affect neighbours or the locality.

Copies of these references must be provided to the council within 5 days upon request.

References can be in the form of, but not limited to:

* 1. A written reference from previous landlord, employer or government agency (e.g. probation services);
  2. Any financial background checks the licence holder has undertaken;
  3. A personal visit to the prospective tenants current or most recent accommodation;
  4. A “rent in advance” arrangement or accommodation referral or placement from Rotherham Council;
  5. Evidence that the occupant has been placed at the address as an asylum seeker.

1. The licence holder must provide the tenant with a written receipt for all cash rent payments received. (This does not affect the legal requirement to provide a rent book for rent paid on a weekly basis).

*NB. It is good practice for the licence holder to be able to provide the tenant or the council with a written statement of all payments received from the tenant during the tenancy, supported by documentary proof, on request.*

1. The licence holder must ensure that all new tenancy deposits are protected in a government authorised scheme within 14 days of receiving it from the tenant.
2. The licence holder shall ensure that the tenant is provided with wheeled bins of suitable capacity and type as specified by the Council at the property and that the Council’s arrangements for refuse collection including recycling are issued to the tenant at the outset of the tenancy.
3. Upon commencement of any tenancy, the tenant should be provided with either an electronic document or written details of:
   1. Emergency telephone contact details for the Licence holder or their representative(s) who is authorised to act on their behalf. This emergency contact number should be available 24hrs and monitored regularly every day.
   2. All property safety certification – Gas, Electrical, Energy Performance Certificate etc
   3. Copy of tenancy agreement
   4. Copy of Selective Licence
   5. A receipt, for any payments taken during the application for the tenancy and any advance rent or tenancy deposit scheme payments taken.
   6. User manuals for all appliances including boilers / heating
   7. Council tax liabilities
   8. Details of Utilities providers and payment methods.

The information should be accessible to the tenant via hard copy or electronically at all times. It should also be available to any Inspecting Officer from the Council or Police; or otherwise made available on request.

**During the tenancy**

1. The licence holder must ensure that all repairs to the house or any installations, facilities or equipment within it are to be carried out by competent and reputable persons and that they are completed to a reasonable standard.
2. The licence holder must not unreasonably cause any service supplied to the property under the terms of the tenancy agreement to be interrupted.
3. The licence holder must ensure that any disrepair identified by the tenant or through periodic inspection by the licence holder, other managing agent or landlord are undertaken within the period of time agreed with the tenant, and no later than 28 days of it being identified.

**Security**

1. The licence holder will ensure that keys are provided to the tenant where window locks are provided.
2. Where previous occupants have not surrendered keys, the licence holder and will arrange for a lock change to be undertaken, prior to new occupants moving in.
3. The licence holder will ensure front and rear doors are secure and fitted with good quality locking systems.
4. The licence holder must ensure that all reasonable measures are taken to ensure that the property is effectively secured from unauthorised entry.

**Local Environment**

1. The licence holder must take steps to remove graffiti on the property within five working days of it being reported to them.
2. The licence holder shall ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.
3. The licence holder must ensure that all outbuildings, yards, forecourts and gardens surrounding the house are maintained, in reasonable repair and ensure that the tenant is aware of their responsibility to keep them in a clean, tidy and safe condition and free from infestations.
4. The licence holder must take all reasonable and all practicable steps in keeping external areas and the curtilage of the property free from rubbish and fly tipping deposits at all times. If employing a third party to carry out any such clearances, care must be taken to ensure that they are a registered waste carrier.

**Anti-social behaviour (ASB)**

For the purposes of these conditions, anti-social behaviour is taken to comprise behaviour by the occupants of the house and/or their visitors, which causes a nuisance or annoyance to other occupants of the house, to lawful visitors to the house or to persons residing in or lawfully visiting the locality of the house. Also any illegal or immoral activity.

1. The licence holder must take all reasonable and all practicable steps for preventing and dealing with anti-social behaviour and undertake a thorough process of incremental steps to deal with any complaints, which have been made either directly to them, or via the Local Authority or any Police service, regarding their occupiers.
2. The licence holder is required to provide an authorised officer of the Local Authority, a Police Officer or Police Community Support Officer, upon request, information regarding the full names and dates of birth of each occupant.
3. The licence holder will ensure that the occupants of the house are aware of the assistance available to them to deal with anti-social behaviour and how they can report nuisance and anti-social behaviour to the authority. The Council will make such information available to tenants and property owners via its website.
4. The licence holder must take steps to terminate the tenancy following advice and recommendation from the Council, should it be found that the property is being used for illegal or immoral use or where there is evidence of persistent and ongoing antisocial behaviour.

**Termination of a tenancy**

1. The licence holder must adhere to legal requirements when seeking possession of the property from the tenant.

1. The licence holder will respond to reference requests within a reasonable timescale and provide an honest and accurate reference relating to existing or past tenants.

**General management during the Licence Period**

1. The Licence holder should submit an annual declaration (as per Annex 2 of these conditions) with their annual Gas Safety Certificate, providing dates of inspections in the previous 12 months. This should include any defects they were required to resolve or any tenancy enforcement they carried out to tackle unauthorised occupation, overcrowding, waste issues, nuisances or anti-social behaviour caused by tenants identified in that visit. The form will also be available on the Council’s website. These inspections should take place at least annually and more often if there have been concerns about the property or tenant behaviour.
2. The licence holder will not discriminate against prospective occupiers of the house on the grounds of race, disability, gender, religion or sexual orientation.
3. The licence holder must ensure that any person(s) who assist in the management of the property not detailed in the original licence application must be a ‘fit and proper’ person to do so as per the definition in the Housing Act 2004 and Appendix 1 of these conditions, and must notify the Council of these changes. Where necessary the Council will require a declaration to be signed by the person assisting in the management of the property stating that they meet the ‘fit and proper’ person criteria.

**Change of Ownership /Licence Holder/ Manager**

1. The licence holder must inform the Council, within 5 working days, if there is a **change of managing agent** and provide the Council with proof that they are a ‘fit and proper person’ to do so under the definition under the Housing Act 2004 and Appendix 1 of these conditions.
2. Notifications of changes in accordance with the previous two conditions should be made in writing by the Licence Holder and sent to the address on the licence or by email to landlordlicensing@rotherham.gov.uk.
3. The licence holder must inform the Council of any change of circumstances which may affect their suitability to continue to remain the licensee. This must be done within five working days of the changes taking effect.
4. The licence holder must inform the council of any steps being taken to sell the licensed property including the details of any successful purchaser(s).

**NOTE**: You must tell us about changes in your circumstances that could affect your licence. These include changes to the tenancy/tenant details.

You should always report changes as soon as possible. You should also tell the council in advance about any changes you know are happening which haven’t taken effect yet (for example: you are about to change your address or contact details).

You can report changes online or by phone. We will ask you to follow up any telephone call with a letter or email in case there’s any dispute later.

**IMPORTANT- Where the licence holder fails to provide information regarding changes that could affect their licence within a calendar month of that change, they will forfeit their entitlement to any available pro rata refund of the maintenance element of the licence fee.**

**Absence of the Licence Holder**

1. The licence holder must be a permanent resident in the United Kingdom, must reside in the United Kingdom, and if they are likely to be or are away from the United Kingdom for more than 4 weeks, that they have in place a managing agent who has full authority for managing the property and able to pay for repairs. Where the licence holder is likely to be away from the United Kingdom for more than 90 days, they will be required to surrender their licence and apply to put in place a new licence holder.

Other Conditions

Additional licensing conditions may be applied to licences regarding the management of the property on a case by case basis. Representations about conditions can be made through the licensing process and the normal representation period.