

Briefing – Proposed revision of HMO (part 2) and Selective (part 3) licence conditions under the Housing Act 2004

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Reasons for the briefing

Following significant issues of waste being generated this summer in particular as students left at end July 2021 it was identified that the conditions for housing licensing could be strengthened.

Implementing the revised conditions in Appendix 1 (HMO licensing) and Appendix 2 (selective licensing) (subject to legal confirmation) will help to ensure licence holders are more proactive in tackling waste at their properties. The Council would be better placed to ensure licence holders take a more proactive approach to managing waste generated from their properties. This would then in turn benefit communities and residents in the areas affected by such issues. Overall this should improve the ability of the Council to show how it is improving neighbourhoods and reducing ASB through licensing.

Following the work undertaken to ensure larger block licensed properties are safe, proposed additional conditions have been added to the block conditions that are already in place for blocked licensed properties, that fall under the Councils Block Licence Policy. These revisions will strengthen the regulation of these complex buildings. The current and revised conditions are included in Appendix 3.

Reviewing conditions periodically is good practice in light of changes to legislation, case law and court and tribunal decisions; ensuring they are suitable and continue to be fit for purpose without losing their overall impact.

Proposals

The table below details the summary of changes to the licence conditions. These conditions are being drafted into a Delegated Decision. The full proposed new conditions for Selective and HMO Licence conditions as set out in Appendix 1 and 2 respectively. A summary of the changes are below. The changes will form part of a Delegated Decision which is being written.

Table 1 – Summary of main changes

	Selective	HMO
Fire Detection Systems, Smoke Alarms & Emergency Escape Lighting		Adding a new condition to ensure escape lighting is kept in working order. Amendment to condition for fire detection testing

Property Management	Minor amendments to language to make it clearer what is required.	Minor amendments to language to make it clearer what is required.
Property Inspections	Requirement for written records of inspections to be kept	Requirement for written records of inspections to be kept.
Dealing with rubbish	<p>Amended condition on the number of bins required for every 6 occupants.</p> <p>New condition (20) to require a written waste management plan and what it should contain to manage waste before, during and at the end of tenancy and when the property is empty.</p> <p>Moved / added details of provision of certain information to the guidance in Appendix 2 to support complying with condition 15, 17 and 20</p> <p>Maintenance of records of waste carriers used to dispose of refuse and how commercial / trade waste should be dealt with.</p>	<p>Amended condition on the number of bins required.</p> <p>New condition (24) to require a written waste management plan and what it should contain to manage waste before, during and at the end of tenancy and when the property is empty.</p> <p>Moved / added details of provision of certain information to the guidance in Appendix 2 to support complying with condition 19, 21 and 24</p> <p>Maintenance of records of waste carriers used to dispose of refuse and how commercial / trade waste should be dealt with.</p>
Tenancy Management	Added a copy of the waste management plan to the requirements of the information pack provided to tenants	Added a copy of the waste management plan to the requirements of the information pack provided to tenants
Appendix 2 – guidance	<p>Amended the header to from ‘Appendix 2 Guidance’ to ‘Appendix 2 – Guidance information’ and amended the description under the header.</p> <p>Moved some bullet pointed items from the licence conditions to guidance as described above.</p>	<p>Amended the header to from ‘Appendix 2 Guidance’ to ‘Appendix 2 – Guidance information’ and amended the description under the header.</p> <p>Moved some bullet pointed items from the licence conditions to guidance as described above.</p>

Block licence conditions

The proposed have been included in the revised conditions

1. Where sprinkler and/or suppression systems are in place to the building, it shall be kept in proper working order, in accordance with the relevant British Standards. A record must be kept and shall be provided within seven (7) days of the Council’s demand.

2. A Fire Strategy must be in place for the building, this must detail how the building will react in the event of a fire, and determine the action that must be taken to ensure the safety of the occupants. The Fire Strategy must be documented and include a clear set of measures encompassing fire precautions, management of fire safety and fire protection. The Fire Strategy must be kept and shall be provided within seven (7) days of the Council's demand.
3. Where Automatic Opening Vents (Natural/Mechanical) are in place to remove smoke from the building, it shall be kept in proper working order, in accordance with the relevant British Standards. A record must be kept and shall be provided within seven (7) days of the Council's demand.
4. Where wet or dry risers are in place to the building, they shall be kept in proper working order, in accordance with the relevant British Standards. A record must be kept and shall be provided within seven (7) days of the Council's demand.
5. Where the building is served by lift/s that are for the use of fire fighting, ensure that the lift/s are kept in a safe condition and proper working order, in accordance with the relevant British Standards. A log is to be maintained of any times when a lift/lifts are non-operational.
6. Where fire refuges are in place, and communication systems installed in the building, they shall be kept in proper working order, in accordance with the relevant British Standards. A record must be kept and shall be provided within seven (7) days of the Council's demand.
7. Where required Personal Emergency Evacuation Plans (PEEP's) must be implemented for occupants that need assistance in the event of an emergency to reach a place of total safety. A record of all PEEP's must be maintained and shall be provided within seven (7) days of the Council's demand.

Risks

The revised conditions may, like all conditions be subject to legal challenge by licence holders when implemented. To reduce this risk the Council is seeking to work with landlords and managing agents through their forums to develop guidance and advice on this.

Legal Comments

The proposed changes have been discussed with legal who recognised the need for change and support these. They will be further consulted as part of the Delegated Decision, for which they are the main consultee. Further reviews and changes may be required in the future depending on any changes to legislation, court or tribunal decisions or representations / challenge.

Finance / HR

No financial or HR implications.

Licence Conditions for Houses in Multiple Occupation (HMO)

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

Bedroom Sizes & Occupation

1. The Licence Holder shall notify the Council of any bedroom in the HMO with a floor area of less than 4.64 square meters. The maximum occupancy limit per bedroom shall be as follows; in accordance with the Council's adopted Guidance Standards for Licensable Houses in Multiple Occupation:*

Basement or Lower Ground Floor

Front Bedroom (room #): One household comprising # people

Rear Bedroom (room #) One household comprising # person (under 10)

[Add as required]

Ground Floor

Front Bedroom (room #): One household comprising # people

Rear Bedroom (room #) One household comprising # person (under 10)

[Add as required]

First Floor

Front Bedroom (room #): One household comprising # people

Rear Bedroom (room #) One household comprising # person (Under 10)

[Add as required]

Second Floor

Front Bedroom (room #): One household comprising # people

Rear Bedroom (room #) One household comprising # person (Under 10)

[Add as required]

For the purposes of this Licence, any Tenant is regarded as one person, regardless of age unless stated.

Gas, Electrical and Fire Safety

Gas Safety

2. Where gas is supplied the Licence Holder shall ensure that the whole gas installations, including all gas appliance/flue are maintained in a safe condition and that an annual gas safety check is carried out by a Gas Safe registered engineer. Any defects noted on the certificate must be promptly rectified and certificated as satisfactory. The Licence Holder shall provide a copy of the gas safety certificate to all Tenants at the beginning of their tenancy and keep a written record that it has been provided.*
3. The Licence Holder shall within twenty-eight (28) days of any demand by the Council produce for its inspection a gas safety certificate, obtained within the previous 12 months, in respect of the Property.*

Safety of Electrical Installations, Appliances and Furniture

4. The Licence Holder shall ensure that any electrical appliances and furniture made available by them in the Property are kept in a safe condition and maintained in proper working order. The Licence Holder shall ensure that as soon as electrical appliance and/or furniture is identified as being unsafe, it is removed from the Property as soon as is reasonably practicable and are properly disposed of by the Licence Holder.*

5. The Licence Holder shall ensure that a record of visual inspections and testing is maintained for all electrical appliances and furniture made available by them in the Property. The Licence Holder shall within seven (7) days of any demand by the Council provide the most recent records of visual inspections and testing carried out within the previous 12 months and provide a declaration as to the safety of electrical appliances made available by them at the Property.

*

6. The Licence Holder shall ensure that every electrical installation in the Property is maintained in proper working order and is safe for continued use. The Licence Holder shall ensure that a record of visual inspections and testing is maintained. The Licence Holder shall within twenty-eight (28) days of any demand by the council provide the most recent records of visual inspections and testing carried out within the previous 5 years and provide a declaration as to the safety of electrical installation at the Property. *

***"electrical installation" has the meaning given in regulation 2(1) of the Building Regulations 2010.

Fire Detection Systems, Smoke Alarms & Emergency Escape Lighting

7. The Licence Holder shall ensure that suitable fire detection and alarm system is installed in the Property. It shall be maintained in proper working order, tested, inspected and serviced in accordance with the current British Standards or any which subsequently replace these.*

8. The Licence Holder shall ensure that any emergency escape lighting in the Property is kept in proper working order. It shall be maintained in proper working order, tested, inspected and serviced in accordance with the current British Standards or any which subsequently replace these.*

9. The Licence Holder shall within twenty-eight (28) of any demand by the Council provide the latest fire detection and alarm certificate, and if installed, the emergency lighting test certificates. The certificates must be completed and issued by a competent person and must demonstrate that the complete installation has been fully inspected, tested, checked and serviced within the previous 12 months in accordance with the relevant British Standards. Any defects noted on the certificate must be rectified as soon as reasonably practicable.*

10. The number and position of the detectors and alarms must comply with the recommendations of the current British Standards or any which subsequently replaces these. As a minimum there must be a smoke alarm installed on each storey of the Property 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. Smoke alarms shall be maintained and cleaned periodically in accordance with supplier's instructions.

11. The Licence Holder shall within twenty-eight (28) days of any demand by the Council provide a declaration as to the condition and position of any smoke alarms/detectors and if installed, emergency lighting in the Property. *

Carbon Monoxide Alarms

12. The Licence Holder shall ensure that a carbon monoxide alarm is installed in any room in the Property 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, bathrooms, lavatories, halls and landings are all treated as rooms used as living accommodation. The Licence Holder shall supply a declaration as to the condition and position of any carbon monoxide alarms in the Property within twenty-eight (28) days of the Council's demand. *

Property Management

13. The Licence Holder shall have in place a maintenance and repair process that ensures that requests for service, repair and maintenance works can be raised by Tenants. Any such requests should be addressed as soon as is reasonably practicable with Tenants being kept informed of the status of their requested works and timescales for completion. The Licence Holder shall produce to the Council, records relating to such requested works on demand within 28 days of a request.
14. The Licence Holder shall ensure that the exterior of the Property is maintained in good and clean decorative repair. This shall include maintaining in a tidy condition, any external cabling and the removal of unused or obsolete equipment installed on the Property. Any gardens, yards, paths, drives and guttering are to be cleaned, free from litter and maintained such that their condition does not adversely affect the amenity of the neighbourhood. Gardens, yards, paths, drives and other areas within the curtilage of the Property are to be kept in a safe, clean and tidy condition and free from rodent infestations.
15. The Licence Holder shall make sure that adequate security arrangements are in place and take reasonable steps to achieve Property security by complying with the requirements below:
 - a) So far as reasonably practicable, any emergency works necessary to protect the security of the Property are undertaken within 24 hours of notification e.g. damage to windows and entrance points to the Property.
 - b) The security provisions for access to the Property (locks, latches, thumb turns, deadbolts and entry systems etc.) are maintained and in good working order.
 - c) Where window locks are fitted, window keys shall be provided to the occupant(s) of the Property. Means of escape windows shall not require a key to lock.
 - d) Where a burglar alarm is fitted to the Property, the Tenant(s) is (are) made aware of the code, have clear instructions on how the alarm is operated and the circumstances under which the code for the alarm can be changed.
 - e) Where it is known that previous Tenants have not surrendered keys, as soon as is reasonably practicable arranging for a lock change to be undertaken, prior to new Tenants moving in.
 - f) Where alley gates are installed to the side or rear of the licensed Property, the Licence Holder shall take responsibility for holding a key and making satisfactory arrangements for the Tenants access and egress.
 - g) The main escape route (usually the front door) shall be fitted with a thumb turn mortice lock, or equivalent, to five-lever security level. The lock shall comply with fire safety requirements in that it shall be operable from the inside without the use of a key.

Property inspections

16. The Licence Holder shall ensure that the tenant's right to quiet enjoyment of the Property is respected. The Licence Holder shall ensure that the Tenant is provided with at least 24 hours written notice of their intention to enter the Property specifying the reason why entry is required. The only exception is when it would not be reasonably practicable to give such notice and access is required urgently, e.g. in the event of an emergency.
17. 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. Written 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 records must be provided within twenty-eight (28) days of the Council's demand.

Household waste

18. The Licence Holder shall comply with the Council's scheme (as per guidance) which relates to the storage and disposal of household waste at the HMO pending collection.*
19. The Licence Holder shall create a written waste management plan to ensure waste generated from the Property is effectively dealt with. The plan should include; how you deal with the storage, recycling and collection of refuse and waste at the start, during and at the end of the tenancy and when the property is empty. Further guidance regarding the information to be included in the waste management plan is provided in Appendix 2. The Licence holder shall provide a copy of the waste management plan within twenty-eight (28) days of the Council's demand.
20. At the beginning of a tenancy the Licence Holder shall, provide written information to the Tenants of the Property, which, as a minimum, should include;
 - a) which day refuse collections will take place and that it is the Tenants' responsibility to put bins out no earlier than 4pm on the day before collection and to return refuse containers/bins within the boundary of the property by 8am the day after the collection;
 - b) how to sort waste into recycled and non-recycled household waste and which bin to use;
 - c) how to store, clean and maintain the bins;
 - d) details of the Council's bulky waste collection service, missed bin collection service and the local waste and recycling centre;
 - e) details of Tenants responsibility to make arrangements for any extra rubbish that cannot fit in the bins provided to be collected within seven (7) days and/or disposed of sooner as is reasonably practicable. Ensuring that such rubbish, where practicable, is not stored outside, unless in a bin.
21. The Licence Holder shall provide a written declaration of the information provided to the tenants, to the Council within twenty-eight (28) days of a demand
22. At the beginning of a tenancy, and in line with the inspection regime as detailed in your licence condition the Licence Holder shall ensure that a full set of bins is available for every six tenants. Bins shall include, a closable bin lid and must be in good working order and of suitable capacity as specified by the Council's scheme. Any alternative arrangements should be fully documented in the waste management plan for the Property
23. The Licence Holder shall ensure so far as reasonably practicable that commercial trade rubbish/waste is not disposed of in the domestic household bins. Any trade rubbish/waste shall be disposed of as soon as is reasonably practicable or within seven (7) days. The Licence Holder should make adequate arrangements to ensure that such rubbish/waste, where practicable, is stored at the rear of the Property and as a minimum within the boundary of the Property.
24. The Licence Holder shall make adequate arrangements for the collection, storage and disposal of commercial waste by a licensed waste carrier and maintain a record of their details, including their waste carriers licence number. These records should be maintained for the duration of the licence and for 1 year after the licence expires.

Tenancy management

25. The Licence Holder shall provide Tenants(s) with an information pack at the commencement of a tenancy which contains as a minimum the following information:
 - a) A copy of the Property Licence and conditions.
 - b) Where appropriate, copies of the current gas certificate, electrical safety report and energy performance certificates.
 - c) Details of the procedures to be followed in the reporting of anti-social behaviour (ASB).

- d) Details of the Tenant(s) duties and responsibilities to enable the Licence Holder or manager in complying with the Licence conditions.
 - e) Details of how to make a complaint, report maintenance issues and make other general enquiries.
 - f) Details of the arrangements in place including expected timescales, to deal with emergency and other enquires or repairs.
 - g) Details of telephone numbers which enable contact between 9am – 5pm Monday to Friday including an out of hours contact number for use in emergencies, which could include a number with a regularly accessed voicemail facility. Any change in contact and/or telephone number details should be provided to Tenants within 24 hours of the changes being made.
 - h) A copy of the waste management plan
26. The Licence Holder shall provide a written declaration, with evidence of the information provided in condition 26 within twenty-eight (28) days of the Council's demand.
27. The Licence Holder shall supply to the Tenants of the Property a written agreement of the terms on which they occupy it (e.g. a tenancy agreement or Licence). This statement shall be provided to the tenant within twenty-eight (28) days of the tenancy commencing. The Licence Holder shall within twenty-eight (28) days of any demand by the Council provide a copy of the written statement. The written statement shall be clear about tenants' responsibility for not causing anti-social behaviour (ASB) and that breach of the statement's requirements may lead to eviction.
28. The Licence Holder shall demand references for new Tenants before entering into any Tenancy agreement with them or allowing them to occupy the premises. Where obtained, copies of these references shall be kept for the duration of this Licence and made available to the Council within twenty-eight (28) days of the Council's demand.
29. The Licence Holder shall ensure there is suitable and sufficient landlord buildings insurance in place for the duration of this Licence. The Licence Holder shall supply a copy of the insurance certificate within twenty-eight (28) days of the Council's demand.
30. Where a deposit is taken the Licence Holder must provide the Tenant(s) with relevant information about the deposit scheme to which it relates and any other information required under section 213 of the Housing Act 2004. The Licence Holder shall within twenty-eight (28) days of any demand by the Council provide this information.

Tackling Anti-Social Behaviour

31. The Licence Holder shall ensure that all reasonable and practical steps are taken to prevent or reduce anti-social behavior (ASB) or criminality by the Tenants of and visitors to the Property. In particular;
- a) The Licence Holder shall put in place written ASB procedures detailing how complaints made to the Licence Holder will be dealt with, a copy of which shall be provided to the tenants in the information pack. The Licence Holder shall within twenty-eight (28) days of any demand by the Council provide their written ASB procedure.
 - 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 the Licence Holder must 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 (ASB) occurs more than once, but not continuously and possibly intermittently over several months. In such circumstances the Licence Holder shall, as far as reasonably practicable take all steps required to ensure that it is effectively managed and dealt with, up to and including eviction.

An ASB guide good practice guide for Landlords can be viewed on the Council's website at <https://www.nottinghamcity.gov.uk/housing/landlords-guide-to-licensing-your-rented-properties/mandatory-licensing-for-hmos/>

Notification of change of details or circumstances

32. The Licence Holder shall inform the Council within twenty-eight (28) of any material change in circumstances including:
- a) Change of their residential address or contact details; including when they no longer reside at the address on the Licence, or where the Licence Holder is a business, if their business address has changed.
 - b) Upon the manager (where it is an agent, or employee of the Licence Holder,) ceasing to act in that capacity or is no longer being employed by the Licence Holder.
 - c) Any of the matters described within Appendix 3 have occurred in respect of either the Licence Holder and/or the manager of the Property or any persons associated with them;
 - d) Where the Licence Holder is the manager of the HMO, upon them ceasing to be the manager of the Property.
 - e) Change of manager, management arrangements or ownership;
 - f) Any proposed changes to the structure, layout or amenity provision of the Property that would affect the Licence or Licence conditions.
 - g) Where the Property is sold or enters into a lease agreement with another party (change of legal interest).
 - h) Any proposed changes to the layout of the HMO that would affect the Licence or Licence conditions.
 - i) Where the Licence Holders is accredited by a body approved by the Council upon termination of such accreditation.

Licence Holder Training

33. Where the Licence Holder has not attended relevant training in the previous three (3) years of the Licence being granted, they must as a minimum attend suitable training on the law and legal requirements relating to managing privately rented housing including HMOs within 12 months of the date the Licence is granted.

CCTV

34. Where buildings are monitored by CCTV this must be advised in the entrance or on the external entrance to the building. Installation and operation must be in accordance with the relevant legislation.

Interpretation

35. 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 or via email.
36. Any reference to tenant or tenancy can also be interpreted to include occupancy by Licence or other form of written agreement of the terms on which they occupy for the purposes of these conditions.

37. Where electrical works / certificates are required to satisfy conditions 4 to 10 they shall be carried out by a suitably qualified electrical contractor who shall be a 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

Licence conditions for privately rented houses

Gas, Electrical, Furniture and Fire Safety

Gas Safety

1. Where gas is supplied the Licence Holder shall ensure that the whole gas installations, including all gas appliance/flue are maintained in a safe condition and that an annual gas safety check is carried out by a Gas Safe registered engineer. Any defects noted on the certificate must be promptly rectified and certificated as satisfactory. The Licence Holder shall provide a copy of the gas safety certificate to all Tenants at the beginning of their tenancy and keep a written record that it has been provided. *
2. The Licence Holder shall within twenty-eight (28) days of any demand by the Council produce for its inspection a gas safety certificate obtained within the previous 12 months in respect of the Property. *

Safety of Electrical Installations Appliances and Furniture

3. The Licence Holder shall ensure that electrical appliances and furniture made available by them in the Property are kept in a safe condition and maintained in proper working order. * The Licence Holder shall ensure that as soon as electrical appliance and/or furniture is identified as being unsafe, it is removed from the Property as soon as is reasonably practicable and are properly disposed of by the Licence Holder.
4. The Licence Holder shall ensure that a record of visual inspections and testing is maintained for all electrical appliances and furniture made available by them in the Property. The Licence Holder shall within seven (7) days of any demand by the Council provide the most recent records of visual inspections and testing carried out within the previous 12 months and provide a declaration as to the safety of electrical appliances made available by them at the Property.
5. The Licence Holder shall ensure that every electrical installation** in the Property is maintained in proper working order and is safe for continued use. The Licence Holder shall ensure that a record of visual inspections and testing is maintained. The Licence Holder shall within twenty-eight (28) days of any demand by the council provide the most recent records of visual inspections and testing carried out within the previous 5 years and provide a declaration as to the safety of electrical installation at the Property. *

**“electrical installation” has the meaning given in regulation 2(1) of the Building Regulations 2010.

Smoke Alarms / Fire Detection Systems

6. The Licence Holder must ensure that a smoke alarm is installed on each storey of the Property on which there is a room used wholly or partly as living accommodation and shall keep each such alarm in proper working order. For the purpose of this paragraph, bathrooms and lavatories are to be treated as a room used as living accommodation. *

7. The Licence Holder shall supply a declaration as to the condition and position of any smoke alarms/detectors in the Property within twenty-eight (28) days of the Council's demand. *

Emergency Escape Lighting

8. The Licence Holder shall ensure that any emergency escape lighting in the Property is kept in proper working order. It shall be maintained in proper working order, tested, inspected and serviced in accordance with the current British Standards or any which subsequently replace these.

Carbon Monoxide Alarms

9. The Licence Holder shall ensure that a carbon monoxide alarm is installed in any room in the Property 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, bathrooms, lavatories, halls and landings are all treated as rooms used as living accommodation. *
10. The Licence Holder shall supply a declaration as to the condition and position of any carbon monoxide alarms in the Property within twenty-eight (28) days of the Council's demand. *

Property Management

11. The Licence Holder shall have in place a maintenance and repair process that ensures that requests for service, repair and maintenance works can be raised by Tenants. Any such requests should be addressed as soon as is reasonably practicable with Tenants being kept informed of the status of their requested works and timescales for completion. The Licence Holder shall produce to the Council, records relating to such requested works on demand within 28 days of a request.
12. The Licence Holder shall ensure that the exterior of the Property is maintained in good and clean decorative repair. This shall include maintaining in a tidy condition external cabling and the removal of unused or obsolete equipment installed on the property. Any gardens, yards, paths, drives and guttering are to be cleaned, free from litter and maintained such that their condition does not adversely affect the amenity of the neighbourhood. Gardens, yards, paths, drives and other areas within the curtilage of the Property are to be kept in a safe, clean and tidy condition and free from rodent infestations.
13. The Licence Holder shall make sure that adequate security arrangements are in place and take reasonable steps to achieve property security by complying with the requirements of paragraphs a) to f) below:
- a) So far as reasonably practicable, 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 access to the property (locks, latches, deadbolts and entry systems etc.) are maintained in good working order.
 - 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 Property, the Tenant(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 Tenants have not surrendered keys, arranging for a lock change to be undertaken, prior to new Tenants 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 Tenants' access and egress.

Household waste

14. The Licence Holder shall comply with the Council's scheme (as per guidance) which relates to the storage and disposal of household waste at the property pending collection.
15. The Licence Holder shall create a written waste management plan to ensure waste generated from the Property is effectively dealt with. The plan should include; how you deal with the storage, recycling and collection of refuse and waste at the start, during and at the end of the tenancy and when the property is empty. Further guidance regarding the information to be included in the waste management plan is provided in Appendix 2. The Licence holder shall provide a copy of the waste management plan within twenty-eight (28) days of the Council's demand.
16. At the beginning of a tenancy the Licence Holder shall, provide written information to the Tenants of the Property, which, as a minimum, should include;
- a) which day refuse collections will take place and that it is the Tenants' responsibility to put bins out no earlier than 4pm on the day before collection and to return refuse containers/bins within the boundary of the property by 8am the day after the collection;
 - b) how to sort waste into recycled and non-recycled household waste and which bin to use;
 - c) how to store, clean and maintain the bins;
 - d) details of the Council's bulky waste collection service, missed bin collection service and the local waste and recycling centre;
 - e) details of Tenants responsibility to make arrangements for any extra rubbish that cannot fit in the bins provided to be collected within seven (7) days and/or disposed of sooner as is reasonably practicable. Ensuring that such rubbish, where practicable, is not stored outside, unless in a bin.
17. The Licence Holder shall provide a written declaration of the information provided to the tenants, to the Council within twenty-eight (28) days of a demand
18. At the beginning of a tenancy, and in line with the inspection regime as detailed in your licence condition the Licence Holder shall ensure that a full set of bins is available for every six tenants. Bins shall include, a closable bin lid and must be in good working order and of suitable capacity as specified by the Council's scheme. Any alternative arrangements should be fully documented in the waste management plan for the Property.
19. The Licence Holder shall ensure so far as reasonably practicable that commercial trade rubbish/waste is not disposed of in the domestic household bins. Any trade rubbish/waste shall be disposed of as soon as is reasonably practicable or within seven (7) days. The Licence Holder should make adequate arrangements to ensure that such rubbish/waste, where practicable, is stored at the rear of the Property and as a minimum within the boundary of the Property.

20. The Licence Holder shall make adequate arrangements for the collection, storage and disposal of commercial waste by a licensed waste carrier and maintain a record of their details, including their waste carriers licence number. These records should be maintained for the duration of the licence and for 1 year after the licence expires:

Property inspections

21. 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 their intention to enter the property, specifying the reason why entry is required. The only exceptions are when it would not be reasonable to give such notice and access is required urgently, e.g. in an emergency.

22. 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. Written records of such inspections shall be kept for the duration of the 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 records must be provided within twenty-eight (28) days of the Council's demand.

Tenancy management

23. The Licence Holder shall provide Tenants(s) with an information pack at the commencement of a tenancy which contains as a minimum the following information:

- a) A copy of the Property Licence and conditions.
- b) Where appropriate, copies of the current gas certificate, electrical safety report and energy performance certificates.
- c) Details of the procedures to be followed in the reporting of anti-social behaviour (ASB).
- d) Details of the Tenant(s) duties and responsibilities to enable the Licence Holder or manager in complying with the Licence conditions.
- e) Details of how to make a complaint, report maintenance issues and make other general enquiries.
- f) Details of the arrangements in place including expected timescales, to deal with emergency and other enquires or repairs.
- g) Details of telephone numbers which enable contact between 9am – 5pm Monday to Friday including an out of hours contact number for use in emergencies, which could include a number with a regularly accessed voicemail facility. Any change in contact and/or telephone number details should be provided to Tenants within 24 hours of the changes being made.
- h) A copy of the waste management plan.

24. The licence holder shall provide a written declaration, with evidence of the information provided in condition 24 within twenty-eight (28) days of the Council's demand

25. The Licence Holder shall supply to the Tenants of the Property a written statement of the terms on which they occupy it (e.g. a tenancy agreement or Licence). This statement shall be provided within twenty-eight (28) days of the occupancy beginning and the Licence Holder shall supply a copy of the written statement within twenty-eight (28) 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 statement's requirements may lead to eviction.

26. The Licence Holder shall demand references for new Tenants before entering into any Tenancy agreement with them or allowing them to occupy the Property. Where obtained, copies of these references shall be kept for the duration of the Licence and made available to the Council within twenty-eight (28) days of the Council's demand. *
27. The Licence Holder shall ensure there is suitable and sufficient landlord buildings insurance in place for the duration of this Licence. The Licence Holder shall supply a copy of the insurance certificate within twenty-eight (28) days of the Council's demand.
28. Where a deposit is taken, the Licence Holder must provide the Tenant with 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 twenty-eight (28) days of the Council's demand.

Tackling Anti-Social Behaviour

29. The Licence Holder shall ensure that all reasonable and practical steps are taken to prevent or reduce anti-social behaviour (ASB) or criminality by the occupants of and visitors to the Property. In particular: -
 - a) The Licence Holder shall put in place written ASB procedures indicating how complaints made to the Licence Holder will be dealt with, a copy of which shall be provided to the Tenants upon commencement of their occupation and to the Council within twenty-eight (28) 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 the Licence Holder must keep them for the duration of the 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 intermittently over several months. In such circumstances the Licence Holder shall, as far as is reasonably practicable, take all steps required to ensure that it is effectively managed and 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 www.nottinghamcity.gov.uk/qualityhousingforall

Notification of change of details or circumstances

30. The Licence Holder must inform the Council within twenty-eight (28) days of any material change in circumstances including:

- a) Change of their residential address or contact details; including when they no longer reside at the address on the Licence, or where the Licence Holder is a business, if their business address has changed.
- b) upon the manager, (where it is an agent, or employee of the Licence Holder) ceasing to act in that capacity or is no longer being employed by the Licence Holder;
- c) any of the matters described within Appendix 3 have occurred in respect of either the Licence Holder and/or the manager of the Property or any persons associated with them;
- d) where the Licence Holder is the manager of the Property, upon them ceasing to be the manager of the property;
- e) change of manager, management arrangements or ownership;
- f) any proposed changes to the structure, layout or amenity provision of the property that would affect the Licence or Licence conditions.
- g) Where the property is sold or enters into a lease agreement with another party.
- h) Where the Licence Holders is accredited by a body approved by the Council upon termination of such accreditation.

NB. Any material change of details or circumstances may require a variation or revocation of this Licence. [Please see **the Guidance Notes** for more information]

Licence Holder Training

31. Where the Licence Holder has not attended relevant training in the previous three (3) years of the Licence being granted, 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. [Please see **the Guidance Notes** for more information and Appendix 4].

Interpretation

32. 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, or email.
33. 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.
34. 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

BLOCK LICENCES – ADDITIONAL LICENCE CONDITIONS

The Licence Holder shall put in place management arrangements which ensure the following:

Building Inspections

1. In order to identify any problems relating to the condition and management of the property, inspections shall be undertaken in accordance with the intervals and conditions which follow:
 - (i) inspections to take place at least once a month for all communal areas, including internal and external areas within the curtilage of the property, this must include areas that occupants do not have access to, for example, boiler rooms, storage areas, (note this list is not exhaustive). (This is in addition to Condition 19 of the dwelling licence which is regarding each individual unit of accommodation).
 - (ii) Records of such inspections shall be made and kept for the duration of the 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 records must be provided within seven (7) days of the Council's request to inspect.

Management of Fire Safety

2. Fire risk assessment(s) for the building are recorded and retained. Copies of the fire risk assessment and review findings shall be provided to the Council within seven (7) days of such a demand being made.
3. That all fire alarm and detection systems within all parts of the building shall be kept in proper working order and systems shall be tested regularly in accordance with Regulations relating to each particular piece of equipment.
4. Where an emergency lighting system is provided to the communal areas of the building, it shall be kept in proper working order, in accordance with relevant British Standards. A record must be kept and shall be provided within seven (7) days of the Council's demand.
5. Tenants are provided with clear written guidelines on the fire safety procedures, including details of the safety measures installed, how they operate and what to do in the event of a fire.

6. All Notices containing information about fire safety shall be displayed in a prominent area within the communal part of the Building, as close as possible to the main entrance.
7. All exit routes within the building, such as hallways, landings and staircases, so far as they are under the control of the licence holder and as far as reasonably practical, are kept clear and unobstructed to enable evacuation of the building in the event of fire.
8. Where sprinkler and/or suppression systems are in place to the building, it shall be kept in proper working order, in accordance with the relevant British Standards. A record must be kept and shall be provided within seven (7) days of the Council's demand.
9. A Fire Strategy must be in place for the building, this must detail how the building will react in the event of a fire, and determine the action that must be taken to ensure the safety of the occupants. The Fire Strategy must be documented and include a clear set of measures encompassing fire precautions, management of fire safety and fire protection. The Fire Strategy must be kept and shall be provided within seven (7) days of the Council's demand.
10. Where Automatic Opening Vents (Natural/Mechanical) are in place to remove smoke from the building, it shall be kept in proper working order, in accordance with the relevant British Standards. A record must be kept and shall be provided within seven (7) days of the Council's demand.
11. Where wet or dry risers are in place to the building, they shall be kept in proper working order, in accordance with the relevant British Standards. A record must be kept and shall be provided within seven (7) days of the Council's demand.
12. Where fire refuges are in place, and communication systems installed in the building, they shall be kept in proper working order, in accordance with the relevant British Standards. A record must be kept and shall be provided within seven (7) days of the Council's demand.
13. Where required Personal Emergency Evacuation Plans (PEEP's) must be implemented for occupants that need assistance in the event of an emergency to reach a place of total safety. A record of all PEEP's must be maintained and shall be provided within seven (7) days of the Council's demand.

Maintenance of Common Parts

14. That where an intercom entry system is provided, ensure that the intercom entry system is kept in proper working order;
15. Maintenance and servicing programmes, such as gas appliance servicing, window and guttering cleaning, exterior and interior painting,

are carried out in a planned and cyclical manner and with due regard to the convenience of tenants.

16. All redundant materials and debris are removed from site on completion of works within a reasonable time.
17. All maintenance and construction work must be carried out in such a manner so to ensure the health and safety to all persons occupying or visiting the premises.
18. On becoming aware of a pest problem or infestation at the Property, steps must be taken to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the Council within 7 days on demand.

Lift Inspection and Maintenance

19. That where the building is served by lift/s, ensure that the lift/s are kept in a safe condition and proper working order. A log is to be maintained of any times when a lift/lifts are non-operational.
20. Where the building is served by lift/s that are for the use of fire fighting, ensure that the lift/s are kept in a safe condition and proper working order, in accordance with the relevant British Standards. A log is to be maintained of any times when a lift/lifts are non-operational.

Lighting of Communal Areas

21. All internal and external lighting to the communal parts of the building, which is under the control of the licence holder, must be kept in full working.

Service Charges

22. Where any service charges are levied by the licence holder, such services and charges are properly specified and detailed in the letting contract. Where tenants are responsible for utility charges they must have reasonable access to any meters that record their utility usage.

CCTV

23. Where buildings are monitored by CCTV this must be advised in the entrance or on the external entrance to the building. Installation and operation must be in accordance with the relevant legislation.