

## **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 fixed combustion appliance other than a gas cooker. 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.

A waste management plan guidance document available to support complying with this condition and is available on the Council's website at <https://www.nottinghamcity.gov.uk/media/3374671/ncc-waste-management-plan-guidance.pdf>

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.
  - f) 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
17. 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.
18. 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.

19. 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**

20. 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**

21. 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.

22. The licence holder shall provide a written declaration, with evidence of the information provided in condition 21 within twenty-eight (28) days of the Council's demand

23. 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.

24. 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. \*

### **Tackling Anti-Social Behaviour**

25. 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](http://www.nottinghamcity.gov.uk/qualityhousingforall)

### **Notification of change of details or circumstances**

26. 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.

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**

27. 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].

## **Appendix 1 – Consequences and limitations of the licence**

### **FAILURE TO COMPLY WITH ANY LICENCE CONDITIONS IS AN OFFENCE**

**PROSECUTION / CONTRAVENTIONS CONSEQUENCES** - Please note that any prosecutions or enforcement action or legal action taken against the licence holder or anyone associated with licence holder, or the management of the property, may affect the licence holders 'fit and proper' status. The Council can revoke or vary the licence at any time, giving proper statutory notice.

**PENALTY FOR BREACH OF LICENCE CONDITIONS** - Failure to comply with any of the above licence conditions may result in similar enforcement action as described above and/or prosecution. **The fine for a breach of licence condition is now UNLIMITED for each offence at prosecution or a Civil Penalty Notice could be served for up to £30,000 for each breach.**

### **LIMITATIONS OF THE LICENCE**

**LICENCE TRANSFER** - This licence can **NOT** be transferred to another person or organisation or property.

**REGISTERED COMPANIES** - If the licence holder is a registered company and it is dissolved while the licence is in force, the licence ceases to be in force on the date of dissolution.

**PROPERTY CONDITION** - This property licence is **NOT** proof or evidence that the house is safe and free from hazards and defects. The property licence does not prevent criminal or civil legal action being taken against the licence holder, or anyone else with an interest in the property, if any hazards or nuisances are found or any other problems discovered in relation to the condition of the property.

**BUILDING CONTROL** - This property licence does **NOT** grant any Building Control (Development Control) approvals, consent or permissions, retrospectively or otherwise. This property licence does not offer any protection or excuse against any enforcement action taken by the Building Control (Development Control) Department.

**PLANNING PERMISSIONS** - This property licence does **NOT** grant, any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise. You should check the Council's website to ensure the correct planning permissions are in place. This property licence does not offer any protection or excuse against any enforcement action taken by the Development Control Department. If you are unclear on the matters outlined above you should seek professional planning advice. [www.nottinghamCity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/](http://www.nottinghamCity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/)

**VARIATION** - No changes may be made to the use, layout a maximum occupancy level of the property without the Council's prior written consent. Where the licence holder or a relevant person applies to vary a licence they should do so at the earliest opportunity. The original licence stays in force until the variation is determined and comes into effect. A person making unauthorised changes may be liable to prosecution or other forms of enforcement action.

**PLEASE NOTE** - It is your responsibility to ensure that you have any other necessary permissions or consents in place to enable the property to be used as a house. The granting of a licence does not override any other private or public law provisions in this respect.

## **Appendix 2 – Guidance and support information**

*The guidance below does not form part of the licence conditions, but will help you comply with certain conditions and you may still be under an obligation to comply with other legislation to which it refers.*

### **Consumer Rights & Unfair Practices**

The Office of Fair Trading's (OFT) guidance on unfair contracts when conducting their business, drawing up tenancies, contracts or the service of notices on tenants and/or agents. The licence holder must act in good faith and must not conduct actions which would be considered a misleading action or omission. Full information should be supplied to any prospective tenant including details of this licence.

Further advice can be found here:

<https://www.gov.uk/government/publications/unfair-contract-terms-cma37>

<https://www.gov.uk/government/publications/unfair-terms-in-tenancy-agreements--2>

### **Gas Safety**

If gas is supplied to the house, the licence holder must ensure that the Gas Safety (Installation and Use) Regulations 1998 (or any Regulations which subsequently replace these) are complied with.

### **Electrical Safety**

The licence holder must also ensure that the Electrical Equipment (Safety) Regulations 1994 (or any Regulations which subsequently replace these) are complied with.

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](http://www.competentperson.co.uk)

### **Smoke Alarms/Fire Detection Systems**

Depending on the size, layout and occupancy of the property, the licence holder may need to go over and above the legal minimum required in legislation to adequately protect tenants from fire. The licence holder should have regard to the current Building Regulations. Another useful guide is the LACORS Fire Safety Guide. The LACORS Guide is available at [www.nottinghamCity.gov.uk/environmental-health-and-safer-housing/private-sector-housing/](http://www.nottinghamCity.gov.uk/environmental-health-and-safer-housing/private-sector-housing/)

### **Emergency Escape Lighting**

The licence holder should have regard to the current Building Regulations covering emergency escape lighting. Another useful guide is the LACORS Fire Safety Guidance. This guidance is available at [www.nottinghamCity.gov.uk/environmental-health-and-safer-housing/private-sector-housing/](http://www.nottinghamCity.gov.uk/environmental-health-and-safer-housing/private-sector-housing/)

### **Furniture Safety**

The licence holder must ensure that the Furniture and Furnishings (Fire Safety) Regulations 1988 (or any Regulations which subsequently replace these) in respect of any upholstered furniture supplied by them, including chairs, sofas, beds, upholstered head boards, mattresses, cushions, seat pads, pillows and upholstered garden furniture etc. are complied with.

### **Safety and Security of Property**

It is recommended that licence holders work towards improving the safety and security of their



property by, as a minimum, complying with the Security and Standards of HMO and Rented Properties guide, issued jointly by Nottinghamshire Police and Nottingham City Council, available at [www.nottinghamCity.gov.uk/HMO](http://www.nottinghamCity.gov.uk/HMO).

### **Property Management**

More information about dealing with waste can be found at [www.nottinghamcity.gov.uk/bin-and-rubbish-collections/](http://www.nottinghamcity.gov.uk/bin-and-rubbish-collections/). Licence holders may find it useful to include this link in the documentation provided to occupiers under condition 16.

Under condition 12, when dealing with untidy gardens, the Council may also take action against the occupants under other relevant legislation and the circumstances of each case will be considered on a case by case basis.

### **Household waste**

To support complying with condition 17, the provision of the following should be provided

- a) Minimum of 1 x 240 litre green bin for non-recyclable household waste.
- b) Minimum of 1 x 240 litre brown bin with a grey lid for recyclable waste
- c) Minimum of 1 x litre brown bin for garden waste (if required)
- d) A minimum of 2 x 50 litre kitchen bin, one for household waste, one for non-recyclable waste.

To support complying with condition 15, the waste management plan shall detail:

- a) how you deal with day to day waste generated and exceptional / excess levels of waste during the tenancy, e.g. bulky waste and large amounts of waste.
- b) methods you may use to safely and legally dispose of the waste e.g. use of skips, use of private contractors.
- c) how you will manage refuse and waste at the property to minimize complaints and not cause a nuisance to other local residents.
- d) methods you may use to safely and legally dispose of the waste e.g. use of skips, use of private contractors.
- e) how you will dispose of hazardous waste
- f) how you will manage fly tipping, if it occurs at your property
- g) any special arrangements for the property such as cleaners who have responsibilities for putting bins in / out or similar.
- h) any alternative waste storage and disposal arrangements for the property
- i) any waste exemptions from refuse and waste management from the council and the annual review dates

### **Training**

The training requirement in conditions 27 is a minimum requirement and depending on the level of responsibility and complexity of properties involved the licence holder should consider undertaking further relevant training in line with the extent of their liabilities. See also Appendix 4.

### **Deposits**

The licence holder must ensure that any deposit taken as security for a tenancy is protected as appropriate by placing it in an approved tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used within 30 days of giving the deposit.

### **Variations to licence**

Where the licence holder or a relevant person applies to vary a licence, they should do so at the earliest opportunity. The original licence will remain in force until the point that the variation is determined, as the proposed variation may be granted or refused.

### **Right to rent**

Only people with permission or a right to be in the UK have a right to rent property. As a landlord, you have a responsibility to restrict illegal immigrants accessing the private rented sector. If you are found letting to someone who does not have the right to be in the UK, and you cannot show that you have made right to rent checks, then you could face a penalty of £3000. For more information visit [www.gov.uk/check-tenant-right-to-rent-documents](http://www.gov.uk/check-tenant-right-to-rent-documents)

### **Energy Performance Certificates (EPCs)**

Licence holders must ensure they comply with relevant legislation, ensuring that tenants have sight of a current EPC for the property at the appropriate time. From April 2018 domestic properties in England and Wales must have an EPC certificate with a minimum E rating for energy efficiency. (For occupation agreements put in place before April 2018, the appropriate time is from April 2020)

### **Redress scheme**

Where the licence holder is also a letting agent or property manager they must be a member of a relevant property redress scheme. More information is available at [www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes](http://www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes)

### **Converting family housing to HMOs – Planning permission**

Licence holders proposing to convert properties from single occupancy into HMOs should be aware that planning permission is required. More information is available at [www.nottinghamcity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/](http://www.nottinghamcity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/)

### **To Let boards**

In Nottingham, there are controls on To Let boards in certain parts of the City. More information is available at [www.nottinghamcity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/controls-on-to-let-ad-boards/](http://www.nottinghamcity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/controls-on-to-let-ad-boards/)

### **Electoral Registration**

If you live in Nottingham City, access to certain services may be affected if you are not on the electoral register. It is a legal requirement to be on the electoral register. For more information please visit [www.nottinghamcity.gov.uk/about-the-council/voting-elections/register-to-vote/](http://www.nottinghamcity.gov.uk/about-the-council/voting-elections/register-to-vote/)

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.

## **Appendix 3 Fit and Proper Persons (see condition 26 (c))**

A person who has acted in contravention of any of the following, will not be considered fit and proper:



- Commission of an offence involving fraud, dishonesty, violence, drugs and sexual offences;
- Practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in connection with a business;
- Contravened any provision of housing or landlord and tenant law;
- Acted in contravention of any Approved Code of Practice;
- Convicted of any Banning Order offences.

#### **Appendix 4 – Training (see condition 27)**

This requirement for condition 27 can be satisfied by the completion of a one-day training course or online equivalent covering the law and legal requirements relating to managing privately rented houses. Once completed, submit a certificate or other confirmation to the Council following this training. The following are recognised as providing a suitable course to satisfy this condition.

<b>Organisation</b>	<b>Course</b>	<b>Website and email or web form address</b>	<b>Contact number</b>
DASH Services	Landlord Development Course	<a href="http://www.dashservices.org.uk">www.dashservices.org.uk</a> <a href="mailto:linda.cobb@derby.gov.uk">linda.cobb@derby.gov.uk</a>	01332 641111
East Midlands Property Owners (EMPO)	Basic Law for Lettings	<a href="http://www.empo.co.uk/training-courses.html">www.empo.co.uk/training-courses.html</a> <a href="http://www.empo.co.uk/contact-us.html">www.empo.co.uk/contact-us.html</a>	0115 9502639
National Residential Landlords Association (NRLA)	Landlords Fundamentals	<a href="http://www.nrla.org.uk/training-academy/classroom-key-courses/landlord-fundamentals">www.nrla.org.uk/training-academy/classroom-key-courses/landlord-fundamentals</a>	0300 131 6400
Safe Agent (Formerly National Approved Letting Scheme)	Foundation Lettings Course	<a href="https://safeagents.co.uk/online-courses/">https://safeagents.co.uk/online-courses/</a> <a href="mailto:info@safeagents.co.uk">info@safeagents.co.uk</a>	01242 581712
Unipol – Unipol members only	Unipol online or classroom-based landlord course	<a href="http://www.unipol.org.uk/">www.unipol.org.uk/</a> <a href="mailto:code@unipol.org.uk">code@unipol.org.uk</a>	0115 9345020