

### **Appendix 3 - BURNLEY BOROUGH COUNCIL**

#### **PROPOSED SELECTIVE LICENCE CONDITIONS**

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In these conditions, “Property” is meant to refer to the building or part of a building, which is licensed under Part 3 of the Housing Act 2004 (“the Act”). “Authority” is meant to refer to the Local Housing Authority, namely Burnley Borough Council.

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#### **Housing Act 2004 Mandatory Conditions**

1. If gas is supplied to the Property, the Licence Holder must produce to the Authority annually for their inspection, a Gas Safety Certificate obtained in respect of the Property within the last twelve months.
2.
  - i) The Licence Holder must keep electrical appliances and furniture provided by him in the Property in a safe condition;
  - ii) Must supply to the Authority on demand a declaration made by him as to the safety of such appliances and furniture;
  - iii) Must ensure that every electrical installation in the house is in proper working order and safe for continued use; and
  - iv) Must supply to the Authority, on demand, a declaration by him as to the safety of such installations.

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

#### **3.1 The Licence Holder must**

- i) Ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation and to keep each alarm in proper working order, and
- ii) Supply to the Authority on demand a declaration made by him as to the condition and positioning of such alarms.

#### **3.2 The Licence Holder must 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 keep any such alarm in proper working order, and supply to the authority on demand a declaration by him as to the condition and positioning of any such alarm.**

4. The Licence Holder must provide each occupier of the Property with a written statement of the terms and conditions on which they occupy the Property (“the Tenancy Agreement”).

- 5.1 If any person allowed by the Licence Holder to occupy the Property shall have been a tenant under a tenancy of any other property then, prior to that person being allowed to occupy the Property, the Licence Holder shall have obtained from that person formal identification and shall have taken reasonable steps to obtain a satisfactory written reference from his/her existing landlord or from somebody who has been his/her landlord within the last two years prior to granting the tenancy. In requesting references from previous landlords, the licence holder or their nominated agent should request details of how that person conducted any such tenancy (or tenancies) in terms of causing nuisance, anti social behaviour, payment of rent and any breaches of the tenancy agreement(s).
- 5.2 The licence holder must retain copies of their requests for references, and where obtained, copies of reference(s) provided for a minimum of 12 months from the start of a tenancy. A copy of the said request(s) and where obtained the reference(s) must be provided to the Authority within 14 days of receiving a request to do so in writing by the Authority.

#### **Housing Act 2004 – Prescribed Conditions**

##### **Management of the licensed Property**

6. The Licence Holder must ensure that there are management procedures in place to comply with their statutory and contractual repairing obligations.
7. The Licence Holder must ensure the occupiers of the Property have been provided with details of the following:
- Name of the Licence Holder;
  - A contact address and daytime telephone number; *and*
  - An emergency contact number.

An emergency contact telephone number for the Licence Holder and/or Management Agency shall also be available and notified to the Authority if not already done so.

8. The Licence Holder must ensure that occupants of the Property receive written confirmation detailing the arrangements that have been put in place to deal with repair issues and emergencies should they arise.
9. The Licence Holder must arrange to undertake a detailed inventory to be agreed with each occupant upon commencement of their occupation of the Property and to be kept on file by the Licence Holder at the Licence Holder's business address.
10. The Licence Holder must act lawfully and reasonably in requiring any advanced payments from occupiers, in handling rents, in returning deposits and in making deductions from deposits. The Licence Holder must provide any occupiers or prospective occupier with the following information:
- The amount of rent payable;
  - The details of any deposit required;

- Details of what the deposit covers, the deposit scheme it has been deposited into (within 14 days) and arrangements for return;
- The frequency of payments;
- The details of any utilities or other charges included in the rent;
- The responsibility for payment of council tax; *and*
- The responsibility for payment of utilities and arranging provision of such.

11. The Licence Holder (and/or their agent where an agent has been appointed to manage the Property) must attend one Landlord Development Day covering how to manage tenancies whilst the licence is in force and must undertake any additional property management training courses that the Authority from time to time requires to be undertaken. Alternatively demonstrate to the Authority that similar, relevant training has been undertaken within the preceding 12 months.
12. The Licence Holder must inform the licensing team of the Authority within ten working days of any substantial changes in their circumstances which would affect the management of the Property, namely;
  - i) Details of any unspent <sup>1</sup>convictions not previously disclosed to the Authority that may be relevant to the Licence Holder and/or the Property manager and their fit and proper person status and in particular any such conviction in respect of any offence involving fraud, dishonesty, violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;
  - ii) Details of any finding by a court or tribunal against the Licence Holder and/or the Manager that he/she has practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origin, religion, sexual orientation or disability in, or in connection with, the carrying on of any business;
  - iii) Details of any contravention on the part of the Licence Holder or Manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her;
  - iv) Information about any property the Licence Holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the Licence Holder breaching the conditions of his/her licence;
  - v) Information about any property the Licence Holder or manager owns or manages or has owned or managed that has been the subject of an Interim or Final Management Order under the Housing Act 2004;
  - vi) Change in Managing Agent or the instruction of a Managing Agent.

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<sup>1</sup> The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period'. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention the conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.

13. The Licence Holder and/or their Manager are required to visit the Property within three to six months of the commencement of the tenancy and thereafter annually. A record of these visits must be made available to the Authority on request.
14. The Licence Holder must inform the Authority of any information that comes into their possession that suggests that a person(s) involved with the management of the Property are not “fit and proper persons” for the purposes of the Act.
15. The Licence Holder must take steps to ensure that the water supply and drainage system serving the Property is kept clean and maintained in good repair and proper working order.
16. The Licence Holder must not unreasonably cause or permit the water supply or drainage system that is used by the occupiers of the Property to be interrupted.
17. The Licence Holder must not unreasonably cause or permit the gas or electricity supply that is used by the occupiers of the Property to be interrupted.
18. Where there are alley gates installed to the rear of the licensed Property, the Licence Holder must:
  - Take responsibility for holding a key for any alley gates, which are in place or installed;
  - At the time of letting, provide all new tenants with a key for the alley gates; *and*
  - Ensure that any tenant during their occupancy of the Property is aware of the requirements of the alley gating scheme.

#### **Safety and Security**

19. The Licence Holder will ensure the front and rear doors of the Property are secure and fitted with good quality locking systems.
20. Where a burglar alarm is fitted to the Property, the Licence Holder will permit a tenant to change the code if they so wish.

#### **Environmental Management and Amenity of the Neighbourhood**

21. The Licence Holder shall ensure that suitable and adequate provision for refuse storage and collection is made at the Property and that the Authority’s arrangements for refuse collection including recycling are made clear to the tenant. This shall include the provision of closable bins of suitable capacity as specified by the Authority. Arrangements shall be made immediately for the proper collection and disposal of any rubbish additional to that within the bins. The Licence Holder shall ensure that all tenants are aware that all refuse containers are to be returned within the curtilage of the Property on the same day that they are emptied by the Authority.
22. The Licence Holder must ensure that the tenant is aware of their responsibility to keep yards, forecourts and gardens surrounding the Property in a clean and tidy condition.

#### **Preventing and Reducing Antisocial Behaviour**

(«property\_id»/«lic\_interest\_id»)

23. The Licence Holder must take all reasonable and practicable steps for preventing and dealing with antisocial behaviour. The Licence Holder and/or his manager must undertake a reasonable and effective investigation of any complaints which have been made either directly to them, or via the Authority, regarding their occupiers. For the purposes of these conditions, antisocial behaviour is defined as behaviour by the occupants of the Property and/or their visitors, which causes a nuisance and/or harassment, alarm or distress to other occupants of the Property, to lawful visitors to the Property or to persons residing in or lawfully visiting the locality of the Property.
24. The Licence Holder must ensure that any tenancy agreement or written statement of the terms and conditions of which the house is occupied issued in relation to the Property contains reasonable clauses allowing the licence holder or their appointed representative to address any instances of anti-social behaviour by the tenant or the tenant's visitors. The licence holder must ensure that all occupants are aware of the existence of this clause.
25. Where tenants and/or their visitors have been found to have caused anti-social behaviour, the Licence Holder must make clear to the tenant with verbal and written warnings as appropriate that further instances of anti-social behaviour will not be tolerated. Should the tenant and/or their visitors continue to cause anti-social behaviour the Licence Holder must utilise the clauses of any written agreement under which the tenant occupies the Property to legally end the tenancy where appropriate.
26. The Licence Holder or their nominated agent must have the facilities to receive and respond to initial complaints about their occupiers' behaviour.
27. The Licence Holder or their nominated agent must provide free of charge an honest and accurate reference relating to existing or previous tenants to other potential landlords.

### **Ending a Tenancy**

28. The Licence Holder must ensure there are management procedures in place to legally end a tenancy in relation to the Property, and must implement said procedures.