

Selective Licensing: proposed conditions and exemptions – Designation 3

Proposed licence conditions – those that would be attached to licences in the proposed Designation 3 (poor property conditions and deprivation).

1. *General*

- 1.1 The property licence must be displayed within a communal area of the property and a copy of the conditions should be made available to all the occupying tenants (*discretionary condition*).
- 1.2 The address of the Licence Holder given on their application form shall be used as the address for the proper service of any letter, notice or other document between the London Borough of Southwark Property Licensing Team and the Licence Holder. It is the Licence Holder's responsibility to ensure that they take all reasonable steps to collect and act upon any letter, notice or other document sent to that address on a regular basis (*discretionary condition*).
- 1.3 The Licence Holder must notify the Council of any managing agent that they employ in relation to the property within 14 days of having employed the agent (*discretionary condition*).
- 1.4 No other persons other than the Licence Holder or the named agent (that the Licence Holder has notified to the Council) can collect and receive rental monies from the tenant(s) at this property. These monies can be passed onto any third parties if required (*discretionary condition*).
- 1.5 If the Licence Holder is not the manager of the property it is their responsibility to ensure that the manager complies with all the conditions of the licence (*discretionary condition*).
- 1.6 The property must comply with and be maintained in accordance with any Approved Codes of Practice which the Council or Central Government may from time to time require (*discretionary condition*).
- 1.7 Every habitable room in the property must have acceptable natural daylight and ventilation. An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 20% of the internal floor space of each habitable room must be provided (*discretionary condition*).
- 1.8 Provide, in writing, to the tenants, the name, address and telephone number of the person managing the house.
- 1.9 The Licence Holder shall give a written declaration that they shall provide to each current and future occupant with the name, address and telephone number of the landlord's appointed local out of hours contact, who will respond to emergency situations outside normal business hours, and be able to attend or arrange for a contractor to attend the property to deal with any emergencies

within 24 hours of notification. A copy of these details shall be forwarded to the Council on demand.

- 1.10 The Licence Holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the Licence Holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters.
- 1.11 The Licence Holder shall not unreasonably cause the supply of water, gas (where provided) and electricity to house to be interrupted, where these supplies is under their control.

2. Gas Safety

- 2.1 If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, on request, at any time. The gas safety certificate must relate to the whole gas installation and include all gas appliances. It must demonstrate that all appliances have been serviced and safety checked within the previous twelve months. Any defects noted on the certificate must be promptly rectified (*mandatory condition*).
- 2.2 The Licence Holder is required to ensure that any carbon monoxide detector that is installed is kept in working order. The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms (*discretionary condition*).

3. Electrical Safety

- 3.1 The Licence Holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of the electrical installation(s) in the house. The Licence Holder shall ensure that any electrical appliances supplied by the licence holder, (e.g. fridges, kettles, lawn mowers, hedge trimmers, etc.) in the house are in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of any electrical appliances in the property (supplied by the licence holder). Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations and appliances or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must, within seven days of inspection, provide the London Borough of Southwark with a copy of such inspection reports. The Licence Holder shall inform the London Borough of Southwark upon completion of such works (*mandatory condition*).
- 3.2 A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the licence holder. PAT tests should be carried out every twelve months with records kept

for at least five years. Any necessary maintenance or repair work must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations. Copies of all maintenance records and PAT testing must be provided to the Council on request (*discretionary condition*).

- 3.3 Where low-risk (i.e. works that are only recommended and are not required to protect safety) works have been identified for remediation on the Electrical Installation Condition Report (EICR), the Licence Holder shall at the expiry of the EICR (5 years from the date of issue) or within two years from the date of the licence, whichever comes sooner, have those works carried out. The licence holder must inform the Council when the works have been completed and provide an updated EICR (*discretionary condition*).

4. *Furniture*

- 4.1 The Licence Holder is required to keep furniture made available by them in the house in a safe condition and must supply the authority, on demand, with a declaration by them as to the safety of such furniture (*mandatory condition*).

5. *Fire Safety*

- 5.1 The Licence Holder is required to ensure that smoke alarms are installed in the property and are kept in proper working order. The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms (*mandatory condition*).
- 5.2 Provide fire precaution facilities and equipment at the property, as deemed necessary by the London Borough of Southwark. Information on necessary fire precautions and equipment for the property will be provided to the licence holder. Fire precautions and equipment must be maintained in proper working order. Appropriate records of such maintenance, such as current certificates, are to be kept and produced to the London Borough of Southwark on demand as evidence of such maintenance. Any defects noted on certification must be promptly rectified.

Provide details of fire exit routes to tenants and, in respect of the fire alarm system, ensure that all tenants are aware of fire and fault indications, are adequately familiar with controls (e.g. resetting) and aware of measures to avoid false alarms. Tenants should be aware of what to do in the case of a fire.

The LACoRs Fire Guide provides guidance on the levels of fire precautions expected in different types of HMO -

http://www.southwark.gov.uk/downloads/download/4354/lacors_fire_guidance

(*discretionary condition specific to this designation that ensures we are meeting mandatory requirements*)

- 5.3 At the start of each tenancy, occupants must be given appropriate fire safety advice regarding the means of escape in case of fire and other fire precautions. In particular, the importance of keeping fire doors closed (where supplied) and keeping the escape route clear (*discretionary condition specific to this designation*).

- 5.4 The Licence Holder shall ensure the tenants of Flats in a block are informed in writing of the fire safety arrangements in place within the block, being, but not restricted to:
- Evacuation arrangements, e.g. an all-out or stay-put policy.
 - The safest route to safety from the FMO.
 - The designated fire assembly area.
 - Fire Drill arrangements (if any).
 - Fire Warden and/or waking watch arrangements (where provided).
 - The nearest manual call point (where provided).

(discretionary condition specific to this designation)

6. *Tenancy Matters*

- 6.1 The Licence Holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property (*mandatory condition*), details of the arrangements in place to deal with repair issues and emergency issues and a copy of this licence and its conditions. Copies of the written statement of terms must be provided to the Council within 7 days upon demand (*discretionary condition*).
- 6.2 The Licence Holder shall ensure that only they or the named agent (that the Licence Holder has notified to the Council) create new tenancies or licences to occupy this property whilst this licence is in force. Copies of any new written terms of tenancies or licences must be provided to the Council within 28 days upon demand (*discretionary condition*).
- 6.3 The Licence Holder shall not cause or permit any person who has previously applied for a property licence in respect of the property and has either:
- (a) been found not to be a Fit and Proper person, or
 - (b) been made subject to a Banning Order under the Housing and Planning Act 2016
- to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property (*discretionary condition*).
- 6.4 The Licence Holder shall obtain references from persons who wish to occupy the property, or a part of the property, before entering into any tenancy or licence or other agreement with them to occupy the property (*mandatory condition*). No new occupiers shall be allowed to occupy the property if they are unable to provide suitable references (*discretionary condition*).
- (References should be as a minimum, checks to ensure the tenants identity, whether they have the right to rent a property [see <https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check>], their ability to pay rent and their past tenant history.) The Licence Holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within 28 days on demand.
- 6.5 The Licence Holder shall carry out adequate checks and obtain satisfactory proof that occupiers belong to a single household. Evidence of this must be

retained for the duration of licence. This evidence must be provided to the Council within 28 days on demand (*discretionary condition*).

- 6.6 Where the standard local authority waste collection schemes do not suffice, the Licence Holder must arrange for private collections of waste from the property (*discretionary condition*).
- 6.7 The Licence Holder must ensure that any deposit taken under an assured shorthold tenancy is protected by placing it in an authorised tenancy deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must ensure compliance with the requirements of the scheme and the operation of Part 6 in Chapter 4, Housing Act 2004 within the statutory time limit (currently 30 days). A copy of the prescribed information given must be provided to the Authority within 28 days on demand (*discretionary condition*).
- 6.8 If an occupant misses a rent payment, the Licence Holder must ensure that the occupant is contacted to ascertain whether they still occupies the house; and must ensure that a record of any such contact is kept. If no such contact is or can be made, the Licence Holder must ensure that the house is visited, no later than one month after the date on which the payment became due, to ensure that the house is secure and has not been abandoned.

Where a tenant misses a rental payment, the Licence Holder shall notify the Council's Homelessness Team [**add contact details**] of this so that the Council can work with the Licence Holder and tenant to prevent homelessness.

(*discretionary condition specific to this designation*)

- 6.9 When rent or licence fees are collected or received in cash from the occupiers, a written rent receipt must be given to the occupiers, within 7 days of receiving the rent. (This can be an email or written invoice confirming to the tenant, the date and amount paid). Copies of the rent receipts and records must be provided to the Authority within 28 days on demand (*discretionary condition specific to this designation*).
- 6.10 The Licence Holder shall not refuse a potential tenant solely based on the fact the tenant is in receipt of state assistance towards the cost of living, which includes rent (*discretionary condition specific to this designation*).
- 6.11 The Licence Holder shall at the commencement of a tenancy or where a tenancy exists provide to the tenant:
- An inventory of contents and their condition at the commencement of the tenancy,
 - details of the rent and dates due, rent payment methods and how and when rent may be increased and,
 - details of arrangements for the payment for services including gas, water, electricity and heating, and provide the relevant contact information for the services provided at the house.
 - details of the arrangements for the storage and disposal of refuse, including recycling requirements and days and times for collections.

(*discretionary condition specific to this designation*)

7. *Fit and Proper Person*

- 7.1 If the Licence Holder becomes aware that they or any other person involved in the management of the property have received a conviction, caution, informal warning or reprimand in respect of any offence as detailed in the Licence application form, they must notify the Council in writing within 14 days of the information coming to their attention (*discretionary condition*).

8. *Changes in the use and layout of the Property*

- 8.1 No changes must be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent (*discretionary condition*).

9. *Council Standards for Licensable Properties*

- 9.1 The maximum occupancy for this property is **one household OR two people in two households** (*mandatory condition*).
- 9.2 Licensed properties must comply with the occupancy levels stated in this licence within 18 months of the licence being granted **and for the remaining duration of the licence** (*discretionary condition*).
- 9.3 The terms of these conditions are unique to this property and cannot be applied to any other property (*discretionary condition*).
- 9.4 For the purposes of this licence, any occupier is regarded as one person, regardless of age (*discretionary condition*).

10. *Access to Utility Meters*

- 10.1 The licence holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the licence holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters (*discretionary condition*).

11. *Training Courses*

- 11.1 The Licence Holder and manager of the house shall attend training courses or otherwise demonstrate competence in relation to any applicable codes of practice as specified by the London Borough of Southwark.

Details of Training Courses:

London Landlord Accreditation Scheme (LLAS) and:

Accreditation and Training for Landlords & Agents Service (ATLAS)

Website: www.londonlandlords.org.uk

The licence holder shall submit to the Council within twelve (12) months of the date of the licence copies of certification demonstrating competence and/attendance at the relevant training courses (*discretionary condition*).

12. *Interim Measures*

12.1 The London Borough of Southwark have agreed interim safety and welfare measures with the licence holder to minimise the risk to tenants whilst works are carried out in relation to [fire safety] [space standards] [amenity standards]. These interim measures are:

[List measures – examples given below]

- Battery operated smoke detectors located in [add locations].
- Battery operated heat detectors located in [add locations].
- Battery operated hand-held emergency lighting located in [add locations].
- Undersized shower cubicles located in [add locations].
- Undersized baths located in [add locations].
- Microwaves located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]].
- Kettles located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]].
- Electrically operated space heaters [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]] [and] [the communal living rooms].

These interim measures shall be maintained in good repair, condition and where applicable, remain fully operational whilst in place. This includes, where applicable, adherence to standards and manufacturers guidance.

The licence holder must inform the Council by email [add address] within 72 hours of becoming aware of the failure of any of the interim measures (*discretionary condition*).

13. *Missing documents*

13.1 Provide electronic copies of the following documents that were missing from your licence application within 3 months of the issue of the licence:

[delete/add as appropriate]

- i. Energy Performance Certificate (EPC)(s)
- ii. Written tenancy agreement(s) with the occupying tenants.
- iii. Lease Agreements/Commercial Agreement with owner (if any)
- iv. Building insurance certificate
- v. Inventory of furniture and fittings(s)
- vi. Terms if contract (or a copy of your contract) with the Managing Agent (if any)
- vii. Gas Safety Certificate(s)
- viii. Portable Appliance Test (PAT) report(s)

- ix. Test certificates for fire alarm system
- x. Test certificates emergency lighting system
- xi. Asbestos report(s)
- xii. Fire Risk Assessment

Email the copies to [email address]

(discretionary condition)

14. Carbon Monoxide

- 14.1 Ensure that a carbon monoxide alarm is installed in any room in the house that contains a gas appliance (includes boilers) *(discretionary condition)*.
- 14.2 The Licence Holder must ensure that the carbon monoxide alarms are kept in proper working order (this can be a check of the battery and operation of the alarm). A declaration as to the proper working order of such alarms must be supplied to the London Borough of Southwark on demand *(discretionary condition)*.

15. Property Management and Safety

- 15.1 The Licence Holder must ensure that prompt action is taken to investigate and effectively address complaints about disrepair or pest infestation at the house. The Licence Holder must ensure, in particular, that a written response is made to any such complaint within 21 days of receipt, stating the action that has been or will be taken.

Copies of any such written complaint (including by email) and the response referred to in condition 17 must be provided to the Authority within 21 days on demand.

(discretionary condition)

- 15.2 The Licence Holder shall ensure that any repairs, improvement works or treatments at the house are carried out by competent person(s) who is employed directly by the Licence Holder or an agent/employee of the Licence Holder. Copies of receipts and/or invoices for any such works must be provided to the Authority within 21 days upon demand *(discretionary condition)*.
- 15.3 The Licence Holder must ensure that regular checks are carried out to ensure that the common parts, gardens and yards are free from waste, which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities *(discretionary condition)*.
- 15.4 The Licence Holder must ensure that regular checks are carried out to ensure that the house is free from pest infestation. Where the Licence Holder becomes aware of a pest problem or infestation at the house they shall, within 7 days, take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and copies of these must be provided to the Authority within 28 days on demand *(discretionary condition)*.

- 15.5 The Licence Holder must ensure that all outhouses, garages and sheds are kept secure, are used for their intended purpose only. The Licence Holder must ensure that these structures are not used for human habitation (*discretionary condition*).
- 15.6 The Licence Holder must ensure that the exterior of the house is kept clean and tidy and that issues of routine maintenance affecting the exterior, such as broken windows, are addressed promptly (*discretionary condition*).
- 15.7 The Licence Holder shall ensure that inspections of the house are carried out at least every six (6) months to identify any problems relating to the condition and management of the house. The Authority may increase the frequency of such inspections if it has good reason to be concerned about the condition or management of the house. The 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, date and time of inspection and issues found, and action(s) taken. Copies of these must be provided to the Authority within 28 days on demand (*discretionary condition*).

16. *Homes (Fitness for Human Habitation) Act 2018*

16.1 The Homes (Fitness for Human Habitation) Act 2018 modified the Landlord and Tenant Act 1985. The Licence Holder must ensure the property complies with the modification brought about by the Homes (Fitness for Human Habitation) Act 2018. The building must:

- not be neglected or in a bad condition,
- be stable,
- be free from a serious problem with damp,
- have a safe layout,
- have enough natural light,
- have enough ventilation,
- have a satisfactory supply of hot and cold water,
- have satisfactory drainage and lavatories,
- have satisfactory facilities to prepare and cook food or wash up, and
- free from category one hazards set out in the [Housing Health and Safety \(England\) Regulations 2005](#)

(*discretionary condition*)

17. *Noise standards*

17.1 Where the Council has investigated complaints of noise nuisance related to the dwelling and concluded that the noise is not a nuisance but relate to normal domestic noise the Licence Holder will:

- provide carpets to any floors, where the floor covering is solid/hard, for example, floor-boards or laminate flooring, etc. The exception shall be flooring designed to protect a room from water, e.g. bathroom, laundry, kitchen, etc.,
- use noise insulation mats under any white goods, such as washing machines, tumble dryers, dishwashers, etc., and

- provide strips to door frames or doors that minimise the noise that occurs from the impact of a closing door.

(discretionary condition)

18. *Minimum Energy Rating*

18.1 The Licence Holder is in control of property with an Energy Performance Certificate (EPC) Rating of less than 'E'.

The Licence Holder shall within twelve months of the licence being issued carry out the works detailed on the EPC for the property to improve the energy efficiency of the HMO to achieve an EPC rating of 'E' or above

OR

within three months of the licence being issued register a valid exemption on the national exemptions register -

Guidance - <https://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions>

Register - <https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before>

Where there is a lack of compliance, enforcement will be under the The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019.

(discretionary condition).

19. *Fuel Poverty (discretionary conditions specific to this designation)*

19.1 Where a communal system is not in use, the Licence Holder shall ensure a suitable heating system is installed throughout the dwelling. Portable heaters and gas fires are not acceptable means of space heating. The system installed must be programmable and controllable and must include thermostatic control. The system is to include thermostatic radiator valves (if radiators are provided).

19.2 Where a communal system is not in use, the Licence Holder shall ensure a suitable system for providing hot water is installed. The system shall be programmable and controllable.

19.3 The Licence Holder shall, in writing, provide the tenant with details on how to use the heating and hot water systems, and how they are programmed. Where the system is a communal system, the Licence Holder must inform the tenants of this and how it is controlled and how the system is charged for.

19.4 Where a property contains single glazed windows, draught proofing shall be provided to the windows and external doors.

20. *Water Saving (discretionary conditions specific to this designation)*

20.1 The Licence Holder shall, where possible, install water saving devices to the bathroom and kitchen facilities provided in the dwelling. This should include (but not limited to):

- tap aerators,
- shower flow regulators,
- shower timer devices,
- Combismart - thermostatic valve – only where Combination Boilers are fitted, and
- toilet cistern – flush water-use reduction devices.

The great majority of water companies offer both a free 'water saving' assessment of property and a selection of free water saving devices. The Council advises that you contact your water company in the first instance before purchasing any equipment.

The Council recommend that you have a qualified plumber install all devices in the property, to ensure proper fitting and use as these devices cannot be used for all types of water products, e.g. power showers.