

## Licence Conditions

In these conditions, "house" is meant to refer to the building or part of a building, which is licensed under Part 3 of the Housing Act 2004.

"Authority" is meant to refer to the local housing authority, namely Newcastle City Council.

### **Mandatory Conditions**

The following is a list of conditions that are required to be met at all times whilst the licence is in force.

1. To ensure at all times that, if gas is supplied to the house to produce on demand to the Authority for their inspection a gas safety certificate relating to the property which has been issued within the last twelve months.
2. To ensure that the electrical appliances and furniture made available as part of the tenancy for use by the occupants are kept in a safe condition.
3. To be able, on demand, to supply the Authority with a signed declaration as to the safety of such appliances and furniture.
4. a) to 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  
b) to keep each such alarm in proper working order.
5. To be able, on demand, to supply the Authority with a signed declaration as to the condition and positioning of such alarms.
6. (a) to 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  
(b) to keep any such alarm in proper working order.
7. To be able, on demand, to supply the Authority with a signed declaration as to the condition and positioning of such alarms.
8. To supply all occupants of the property with a written statement of the terms under which they occupy it.
9. In 6 above "room" includes a hall or landing.
10. In 4 and 6 above a bathroom or lavatory is to be treated as a room used as living accommodation.
11. To demand references from persons who wish to occupy the house

## **Other Conditions**

### **Property management**

12. To inform the council within 14 working days of the commencement of a new tenancy and upon demand from the council provide information regarding the tenant(s) including full name(s) and date(s) of birth.
13. To compile on commencement of a new tenancy a detailed inventory of all items and provide a copy to the tenant.
14. The Licence Holder will ensure that any furniture supplied at the start of a tenancy or licence is in safe and good condition and maintained or replaced as far as it is the Licence Holders responsibility throughout the tenancy (under the terms and conditions of the licence or tenancy).
15. The Licence Holder and/or his manager are required to make no less that quarterly visits to the property. In the event a payment of rent is missed, a visit must be made to the property no later than one month from the date the payment was due, to ensure that the property is secure and has not been abandoned.
16. To abide by the conditions and responsibilities contained in the tenancy agreement.
17. To obtain valid references from persons who wish to occupy the house and to be able, on demand, to supply the Authority evidence of these references.
18. To ensure the property is adequately managed and as such have satisfactory maintenance arrangements, as well as property and tenancy management procedures.
19. The Licence Holder shall ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.
20. The Licence Holder must ensure that all outbuildings, yards, forecourts and gardens surrounding the house are maintained, in repair and kept in a clean, tidy and safe condition and free from infestations.
21. To inform the Authority within 5 working days if the licenced property becomes vacant.
22. The licence holder must reside within the UK.
23. The Licence Holder must provide the occupiers of the house and the occupiers of any adjoining properties, with details of the following:
  - Name of the licence holder or managing agent;
  - A contact address and daytime telephone number;
  - An emergency contact telephone number.
  - This information must be supplied within 28 days. An emergency contact telephone number for the licence holder and/or management agency shall also be available and notified to the authority.
24. The Licence Holder shall ensure that occupants of the house receive written confirmation detailing arrangements in place to deal with repair issues and emergencies should they arise.

25. The Licence Holder must ensure that all repairs to the house or any installations, facilities or equipment within it are to be carried out by competent and reputable persons and that they are completed to a reasonable standard.
26. The Licence Holder must provide each occupier of the house with a copy of the Licence Conditions which are currently in force.
27. The Licence Holder will provide each occupant of the house with copies of user manuals for any installations or equipment provided as part of the agreement for the occupation of the house.
28. The Licence Holder will not discriminate against prospective occupiers of the house on the grounds of race, disability, gender, religion or sexual orientation.

### **Managing anti-social behaviour (ASB)**

29. To take all reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house.
30. The Licence Holder must take all reasonable and all practicable steps for preventing and dealing effectively with anti-social behaviour, including ensuring that any future written statement of the terms and conditions on which the house is occupied contains a clause holding the occupants responsible for any anti-social behaviour by themselves and/or their visitors. The Licence Holder must ensure that all occupants are aware of the existence of this clause by advising them upon taking up residence. The Licence Holder and/or his manager are required to undertake an incremental process of investigation of any complaints which have been made either directly to them, or via the Local Authority, regarding their occupiers. For the purposes of these conditions, anti-social behaviour is taken to comprise behaviour by the occupants of the house and/or their visitors, which causes or is likely to cause harassment, alarm, distress, nuisance or annoyance to other occupants of the house, to anyone who visits the house, including communal areas, or to persons residing in, visiting or working in the locality of the house.
31. On demand from the Council to produce details of investigations including copies of warning letters sent / notices of seeking possession served on the tenants of the property for breaching tenancy agreements and causing anti-social behaviour.
32. To take reasonable and practical steps should it be found that the property is being used for illegal or immoral use.

### **Fit and proper persons – licence holders and nominated managing agents**

33. The Licence Holder and his managing agent must inform the licensing team of the authority within ten working days of any changes in their circumstances as follows:
  - 1) Details of any unspent convictions not previously disclosed to the Local 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 or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;
  - 2) Details of any finding by a court or tribunal against the Licence Holder and /or the manager that he/she has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business;
  - 3) 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;

- 4) Information about any property the Licence Holder or manager owns or manages or has owned or managed which has been the subject of:
  - i. A control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or
  - ii. Any appropriate enforcement action described in section 5(2) of the Act;
- 5) 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;
- 6) 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;
- 7) Advertising of the property for sale;
- 8) Change in managing agent or the instruction of a managing agent;
- 9) Change of address of Licence Holder or Landlord
- 10) The undertaking of any substantial works to the property including conversions and modernisations.

### **Security**

34. To take all reasonable measures to secure unoccupied properties from unauthorised entry.
35. Adequate security provisions must be in place for the property namely:-
  - All external doors and frames must be of sound construction and be well maintained and fitted with five lever BSI mortise locks, unless they are multipoint locking UPVC, with a 200 mm barrel bolt or similar to be fitted to the rear door.
  - A door viewer and/or door chain should be provided to the front door.
  - Window locks should be fitted to all ground floor and vulnerable first floor windows. Keys must be available for use by the tenants.
  - The rear boundary of the property must be maintained to ensure it is secure and in good repair at all times and, where fitted, lane gates/doors must be provided with a suitable locking device.

### **Fire precautions**

36. Fire precautions must be in place as soon as possible and within 6 weeks of any direction from one of the Council Selective Licensing Team Authorised Officers. These standards may vary dependent upon the layout and occupancy type of the property. A typical property of no more than three storeys with family household occupancy, where the kitchen leads from the lounge would require:-
  - Interlinked hardwired smoke alarms with integral battery back-up must be located on the escape route on each storey of the house where there is a room used wholly or partly as living accommodation.
  - An additional interlinked hardwired heat detector must be located in the kitchen or lounge (no more than one metre from the entrance door to the kitchen).
  - Where the kitchen leads from the hall/landing the heat detector must be located in the kitchen.
  - Smoke and heat detectors are not permitted to be located on any wall. They must be suitably located on the ceiling.
  - When an inner room (a room where the exit route would be through another room) is a habitable room (e.g. a bedroom or living room) on the ground or first floor then an escape window must be provided. This must comprise an unobstructed opening that

has an area of at least 0.33 m<sup>2</sup> with no dimension being less than 450 mm and with a sill height between 800-1100 mm from the floor. For use in an emergency an additional key for the locking device must be permanently available from within the room. On second floors or higher, escape windows are not acceptable and a protected route will be required.

- All inner rooms must be fitted with a 30 minute fire door hung on one and a half pairs of high melt point hinges and be complete with intumescent strips. A closer must be fitted to the door which is adequate for the size and weight of the door, the closer to be adjusted to ensure that the door closes smoothly and quietly into the rebate of the doorframe overcoming any latching device. All doors must fit correctly into the frame. Any lock or latch must be sleeved in intumescent material.
- All other rooms should be fitted with sound, well constructed, and close-fitting conventional doors.
- Polystyrene tiles must not be fixed to any ceiling or wall.
- The escape route should not pass through any high risk rooms e.g. kitchen.
- A suitable fire blanket must be provided in all kitchens at suitable locations.
- Where the property has a useable basement/cellar 30 minutes fire separation must be provided between any basements/cellars and the ground floor. This can be achieved by fixing 12.5 mm plasterboard with a 3 mm skim coat maintained in sound condition and a hardwired interlinked smoke alarm with integral battery backup must be fitted in the basement/cellar.

### **Electrical Safety**

37. The Licence Holder must produce to the selective licensing team on demand a Periodic Electrical Report carried out by a suitably qualified electrical contractor who must be registered/member of an approved body such as NICEIC, NAPIT, etc. or registered to undertake electrical works in accordance with Part P of the Building Regulations. This report must be no more than 5 years old and deem the electrical installation to be in at least a satisfactory condition.
38. The licence holder must ensure, throughout the period of the licence, that the premises are covered by a valid Periodic Electrical Report. Where a report expires during the term of the licence, an up-to-date report must be provided to the selective licensing team within 28 days of completion or upon demand from the selective licensing. Should the Periodic Electrical Report specify the installation to be unsatisfactory, the Licence Holder must ensure that such works are completed no later than 28 days following the date of the report and must inform the licensing team upon completion of such works.
39. Should the Periodic Electrical Report specify the installation be satisfactory, however, lists any other remedial works or recommendations, the Licence Holder must ensure that such works are completed no later than 12 months following the date of the report and must inform the licensing team upon completion of such works.
40. If accommodation within the house is provided on a furnished basis and includes electrical appliances, the Licence Holder must produce to the authority for their inspection a portable appliance test (PAT) certificate within the first twelve months of the licence period.

### **Gas Safety**

41. Should the landlords gas safety check specify the appliances to be safe for use, however, lists any other remedial works or recommendations, the Licence Holder must ensure that such works are completed no later than 12 months following the date of the report and must inform the licensing team upon completion of such works.
42. The Licence Holder must install and maintain a fixed battery operated carbon monoxide detector to be installed in a suitable location within the property.

### **Arrangements for refuse**

43. Arrangements for refuse should take account of the Council's procedures for refuse collection including recycling. The Licence Holder must outline to the occupiers of the house in writing their responsibilities regarding the storage and disposal of waste prior to the start of a new tenancy. Specific information should include details such as the day / week on which re-cycling / general waste and house hold waste is to be collected and how a tenant should dispose of bulky items such as furniture. Furniture should be removed from the curtilage of property to prevent possible vermin issues.

### **Energy Performance**

44. The Licence Holder must provide each occupier of the house with an Energy Performance Certificate (where applicable). The Licence Holder shall provide a copy of the said certificate to the authority on demand. Please note that the letting of properties with an EPC rating of F or G will be banned from April 2018.
45. All habitable rooms must be provided with adequate and suitable fixed space heating appliances or a controllable central heating system. If a hot water cylinder forms part of the heating system it must be properly lagged with a suitable jacket. All hot water pipes must also be lagged.
46. If the house is an upper property and can have loft insulation this must be provided to at least 250mm. Where there is any upgrade of loft insulation, a standard compatible with current Building Regulations must be met.
47. The Licence holder must also ensure that the property has at least two of the following energy efficiency measures:
  - Double glazing
  - Energy efficient central heating boiler.
  - Cavity wall insulation
  - Draught-proofing
  - Radiator thermostats
  - Low energy light bulbs throughout. (It is the licence holder's responsibility to provide replacement energy efficient light bulbs.)

### **Kitchen/Bathroom facilities**

48. Facilities for the preparation, cooking and storage of food must be safely and conveniently laid out. The kitchen must be of adequate size for the number of occupants to ensure it can be used in safety. The following amenities must be provided:
  - Adequate cupboard/drawer space for the storage of food and equipment.
  - An adequate fixed work surface for the preparation of food, being non-absorbent and capable of being easily cleaned.
  - A fixed sink comprising at least a bowl and single drainer within a base unit, and provided with an adequate supply of hot and cold running water.

- Provision for the installation of a cooker, usually being a 30 amp electric cooker point or a gas point, with sufficient space available adjacent to the point for the fitting of an oven and hob.
  - Walls adjacent to preparation and cooking area are to be capable of being easily cleaned.
  - There should be sufficient space for the fitting of a refrigerator or fridge/freezer.
  - All units and any appliances provided must be in good repair and in good working order.
  - There should be an adequate number of suitably located electric power points for the safe use of kitchen appliances.
  - Suitable means of mechanical extract ventilation to the kitchen should be provided where there is evidence of condensation mould growth.
49. Suitable means of mechanical extract ventilation to the bathroom should be provided where there is evidence of condensation mould growth.

### **Special Management Conditions**

50. Licence holders and / or his manager are expected to improve and maintain their knowledge and competency by undertaking training and development in housing related matters. It is expected that licence holders will complete at least five hours training per year. This may include attendance on training courses relating to housing either locally or nationally, completing a recognised online training course or even attending a private landlord meeting or event. Evidence to support this must be produced to the Licensing Team on demand.