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Inner area selective licence conditions

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Selective licensing scheme conditions

This document constitutes appendix 1 of any Licence granted by Blackpool Council under the selective licensing of private sector rented houses designation applicable to the wards of eight inner wards of

- Bloomfield
- Brunswick
- Claremont
- Talbot
- Tyldesley
- Warbreck
- Waterloo and Victoria.

It includes both the conditions specified in Schedule 4 of Housing Act 2004, together with such additional conditions which Blackpool Council consider appropriate for regulating the management, use and occupation of the house which is to be licensed and are imposed under sections 90 and 91 of the Housing Act 2004.

Important notice

It is the licence holder's responsibility to ensure compliance with the requirements of all the licence conditions set out in this document. Failure to do so may result in prosecution for breach of Licence conditions, service of a civil penalty of up to £30,000 in respect each licence condition breach; and/or the revocation of the licence.

The licence holder, as the person to whom this licence has been granted, is responsible for ensuring compliance with its conditions at all times, and that any person acting on their **behalf** in the management of the house is made aware of, and complies with, the obligations and responsibilities set out in this document.

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Part I requirements for works to be carried out

Condition 1 - Requirement of management for repairing obligations

1 The licence holder must ensure that:

1.1 There are management procedures in place to comply with their statutory and contractual repairing obligations.

1.2 Occupants of the house receive written confirmation detailing arrangements that have been put in place to deal with repair issues and emergencies should they arise.

Part II property management

Condition 2 - Gas safety

2 The licence holder must ensure that:

2.1 If gas is supplied to the house, the licence holder must produce to the authority annually for their inspection, a Gas Safety Certificate obtained in respect of the house within the last 12 months.

Condition 3 - Electrical installation and safety

3 The licence holder must ensure that:

3.1 The licence holder must keep electrical appliances and furniture made available by him in the house in a safe condition;

3.2 Must supply to the authority on demand, a declaration made by him as to the safety of such appliances and furniture;

3.3 Must ensure that every electrical installation in the house is in proper working order and safe for continued use; and

3.4 Must supply the authority on demand, a declaration by him to the safety of such installations.

3.5 For the purpose of paragraph 3.3 'electrical installation; has the meaning given in regulation 2(1) of the Building Regulations 2010.

Condition 4 - Storage and disposal of household waste

4 The licence holder must ensure that:

4.1 Arrangements are made that comply with any scheme which the authority adopt in connection with the adequate provision of the storage and collection of household waste at houses pending collection.

4.2 Where no such scheme has been adopted, that suitable refuse and re-cycling containers are provided on a scale sufficient for the number of tenants.

4.3 Any necessary supplementary arrangements for the disposal or refuse and recyclable materials from the house are made having regard to the services provided by the authority.

4.4 All tenants are aware that all refuse and recycling containers are to be returned within the curtilage of the house on the same day

they are emptied by the authority.

Condition 5 - Water supply and drainage

5 The licence holder must ensure that:

5.1 Adequate measures must be taken to ensure that the water supply and drainage system serving the house is kept clean and maintained in good repair and proper working order.

Condition 6 - External areas

6 The licence holder must ensure that:

6.1 The tenant is aware of their responsibility to keep any garden, forecourt, yard or passageway within the curtilage of the house in a clean and tidy condition.

Part III tenancy management

Condition 7 - Tenancy agreements

7 The licence holder must ensure that:

7.1 At the start of each tenancy, or licenced period of occupation, the tenant is provided with a written agreement which clearly sets out the terms upon which the tenant is permitted to occupy the house.

Condition 8 - Tenants' rights

8 The licence holder must ensure that each tenant's legal rights are observed, which includes but is not limited to:

8.1 Giving reasonable notice to complete repairs, and 24 hours' notice prior to inspections of the premises which are occupied by the tenant.

8.2 Terminating a tenancy or licensed period of occupation in a lawful manner.

Condition 9 - Licence holder/manager details

9 The licence holder must ensure that:

9.1 An information pack is given to all new tenants providing the name, address, daytime telephone number and email address, together with the emergency contact telephone number.

9.2 If any of the above details change, the notice is amended from time to time so that the correct up to date information is given.

9.3 In the event that their contact details change (email address, postal address or mobile telephone number) the licence holder must ensure the council team running the scheme is made aware.

Condition 10 - Anti-social behaviour and damage

10 The licence holder shall ensure that:

10.1 All reasonable and practicable steps are taken to prevent or reduce anti-social behaviour or criminality by the tenants or occupiers of the property, together with their visitors and including where appropriate reporting to and liaising with the local police.

10.2 In particular, if acts of anti-social behaviour occur at the property in breach of the terms of the tenancy or licence agreement, they take appropriate steps to address this which may, in the case of serious or repeated anti-social behaviour, mean commencing possession proceedings.

10.3 Records are kept of what action is taken which are provided to the authority within 7 days of a request to see them.

Condition 11 – References

11 The licence holder must ensure that:

11.1 References are demanded for new occupiers before entering into any occupancy 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 authority within seven (7) days of the authority's demand.

Part IV fire safety

Condition 12 - Smoke alarms

12 The licence holder must ensure that:

12.1 A smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living condition, and to keep each such alarm in proper working order, and

12.2 Supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms.

Condition 13 - Carbon monoxide alarm

13 The licence holder must ensure that:

13.1 A carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker.

13.2 Keep any such alarm in proper working order; and

13.3 Supply to the authority on demand a declaration by him as to the condition and positioning of any such alarm.

Condition 14 - Fire safety compliance

14 The licence holder must ensure that:

14.1 The house complies with current British Fire Regulation and is aware of the current version of the Local Authorities Coordinators of Regulatory Services ("LACORS") Fire Safety Guidance LACORs which should be used for reference.

Part V general

Condition 15 - Changes and alterations

15 The licence holder must ensure that:

15.1 In respect of any change to the:

- Licence holder's residential address or contact details, or where the licence holder is a business, if the business address has changed
- Freehold or leasehold ownership
- Licence holder or manager's circumstances which may impact upon their status as a fit and proper person including but not limited to cautions, criminal conviction for an offence concerning either dishonesty, fraud, violence, misuse of drugs, discrimination, or housing regulations

15.2 Such change is reported in writing to the authority within 21 days of it occurring (or any such lesser period that is specified in any relevant regulation).

Condition 16 - Training

16. The licence holder must ensure that:

- If requested to do so by the authority, the licence holder shall attend suitable training on the law and legal requirements relating to managing privately rented housing within six months of the date they are so requested. The authority will at that time provide a list of suitable qualified training providers. Alternatively, the licence holder must demonstrate to the authority that similar, relevant training has been undertaken with the preceding 12 months.

Appendix 1 definitions

In these proposed licence conditions, the following words are defined below:

“authority” refers to Blackpool Council acting in its capacity as a local housing authority.

“BS” means British Standard.

“house” refers to:

- “dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling
- “house” means a building or part of a building consisting of one or more dwellings

And references to a house include (where the context permits) any yard, garden, outhouses, and appurtenances belonging to, or usually enjoyed with, it (or any part of it).

“Licence” means the licence granted by the authority under Part 3 of the Housing Act 2004 pursuant to an application made by the proposed licence holder.

“licence holder” refers to:

- the person to whom the authority has granted the Licence, and
- from the date of his or her consent, any other person who agrees to comply with the Licence conditions, restriction and obligations that follow.

Appendix 2 condition 16 - training

The training requirement in Condition 16 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.

This requirement for Condition 16 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 authority following this training.

The following is recognised as providing a suitable course to satisfy this condition.

National Residential Landlords Association (NRLA) Landlord/Agent/HMO Fundamentals eLearning and eClassroom Courses:
<https://www.nrla.org.uk/training-academy/core-courses>; telephone 0300 131 6400

Appendix 3 Failure to comply with any licence condition is an offence

Prosecution/enforcement action

It is the licence holder’s responsibility to ensure compliance with the requirements of all the Licence conditions set out in this document. Failure to do so may result in prosecution for breach of Licence conditions; a rent repayment order; service of a civil penalty of up to £30,000 in respect of each Licence condition breach; and/or the revocation of the Licence.

The licence holder, as the person to whom this Licence has been granted, is responsible for ensuring compliance with its conditions at all times, and that any person acting on their behalf in the management of the house is made aware of, and complies with, the obligations and responsibilities set out in this document.

Limitations of the licence transfer

This Licence is personal to the licence holder and cannot be transferred to another person, 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 permission

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 authority'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 Planning Services.

Variation

Where the licence holder or a relevant person applies to vary a licence, they should do so at the earliest opportunity and there may be a charge for any variations to a Licence. 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.

Leasehold agreements

It is your responsibility to check the terms of any lease that you hold to ensure that renting the property does not breach the terms of your lease.

Consumer rights and 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](#)

Gas safety

If gas is supplied to the house the licence holder shall ensure the Gas Safety (Installation and Use) Regulations 1998 (or any Regulations which subsequently replace these) are complied with. [Details of competent Gas Safe engineers.](#)

Electrical safety

The licence holder shall ensure that the Electrical Equipment (Safety) Regulations 1994 (or any Regulations which subsequently replace these) are complied with. Certificates must be in the format recommended in the British Standards. All electrical checks, works, and certification must be carried out by a competent person being 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).

Smoke Alarms, Fire Detection Systems and Emergency Escape Lighting

Depending on the size, layout, and occupancy of the property the licence holder may need to go over and above the legal minimum standards to adequately protect the tenants from fire and may also need to undertake a risk assessment. When doing this the licence holder should have regard to the current Building Regulations; and the LACORS Fire Safety Guide. [The LACORS Fire Safety guidance](#)

Competent person

[A competent person](#) is someone who has sufficient training and experience or knowledge and other qualities that allow them to assist you properly. The level of competence required will depend on the complexity of the situation and the particular help you need. ▾

Furniture safety

The licence holder shall 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 headboards, mattresses, cushions, seat pads, pillows and upholstered garden furniture etc. are complied with. [Further information on the requirements.](#)

Deposits

The licence holder shall 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 in a specified time.

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 £3,000. [For more informatio.](#)

Energy performance certificates (EPCs)

licence holders shall ensure they comply with relevant legislation, ensuring tenants have sight of a current EPC for the property at the appropriate time. From 1st April 2018 domestic properties in England and Wales must have an EPC certificate with a minimum E rating for energy efficiency.

Redress scheme

Where the licence holder is a letting agent or property manager, they shall be a member of a relevant property redress scheme. [More information is available.](#)

Information Commission Office

Every organisation or sole trader who processes personal information needs to pay a data protection fee to the ICO unless they are exempt'. Organisations can find guidance, pay the free or search the register by visiting [Data protection fee | ICO.](#)

In general: The UK data protection regime is set out in the Data Protection Act 2018 and the UK GDPR and applies if you have information about people for any business or other non-household purpose. The law applies to any 'processing of personal data', and will catch most businesses and organisations, whatever their size. Further information and guidance on what the regime requires organisations to do, and how to comply with its duties can be found on the [Information Commissioners Office website.](#)

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