

**ASHFIELD DISTRICT COUNCIL**



**Ashfield**

Council Offices,  
Urban Road,  
Kirkby in Ashfield  
Nottingham  
NG17 8DA

## Addendum

### Scrutiny Panel B

Date: **Tuesday, 20th September, 2016**

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Time: **6.30 pm**

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Venue: **Committee Room, Council Offices, Urban Road,  
Kirkby-in-Ashfield**

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For any further information please contact:

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## **ADDITIONAL PAPERS**

**Page**

**4. Selective Licensing Scheme**

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**REPORT TO: SCRUTINY PANEL B      DATE: 20 SEPTEMBER 2016**

**HEADING:      SELECTIVE LICENSING SCHEME**

**PORTFOLIO HOLDER:      HOUSING & ASSET MANAGEMENT**

**KEY DECISION: NO                      SUBJECT TO CALL-IN: NO**

## **1 PURPOSE OF REPORT**

Following a previous report to Scrutiny Panel B on 6 July 2016, Members of the Panel requested that on conclusion of the consultation for the proposed Selective Licensing Scheme on the 29th July, 2016 and the Council's consideration of the responses together with any other relevant information, a further report be presented to the Panel to enable Members to formulate a set of recommendations to be presented to Cabinet as appropriate. This report provides further details on the scheme including consultation feedback.

## **2 RECOMMENDATION(S)**

1. Members note and comment on the findings of the consultation and the implications of the scheme proposals contained in this report.
2. Provide Cabinet with any views, comments or recommendations on the Scheme.

## **3 REASONS FOR RECOMMENDATION(S)**

Selective Licensing was added to the Scrutiny Workplan in June 2016. Following a meeting of the Panel in July, Members agreed to consider the topic in further detail once the consultation process had been completed.

## **4 ALTERNATIVE OPTIONS CONSIDERED (with reasons why not adopted)**

Members of Scrutiny Panel B discussed the topic in detail at a previous meeting of the Panel and considered all information available at that time. Due consideration of all of the options available was provided by the Service Director and Lead Officer. Any alternative considerations or comments will be provided following consideration of the consultation analysis.

## **5 BACKGROUND**

### **5.1 Legislative Background**

Section 80 of the Housing Act 2004 allows local authorities to apply for selective licensing of privately rented properties in areas which are experiencing low housing demand, suffering from anti-social behaviour, poor housing conditions, an influx of migration, high levels of deprivation and/or high levels of crime. The main provisions in respect of selective licensing came into force in April 2006. The same Act also introduced a new licensing regime for Houses in Multiple Occupation (HMOs).

The Act provides a discretionary power, subject to carrying out consultation and to the approval of the appropriate national authority (who is the Secretary of State), for Local Housing Authorities to licence all private landlords in a designated area with the intention of ensuring that a minimum standard of management is met. In order for a scheme to be approved, such a selective licensing scheme must be shown to be co-ordinated with the authority's wider strategies to deal with anti-social behaviour and regeneration. The proposed scheme in Stanton Hill and Sutton Central meets the criteria for the Secretary of State's general approval because the areas together cover less than 20% of the geographical area of the Council and affect less than 20% of privately rented homes in the area.

The explanatory notes to Part 3 of the Housing Act 2004 make it clear that the selective licensing scheme is strongly linked into the Government's anti-social behaviour agenda and provides some further background to the scheme.

## **5.2 Ashfield Context**

There are approximately 1258 homes in the proposed areas of which approximately 463 are privately rented and being considered for selective licensing this is 37.9% of the rented housing stock in the area when the exempted social housing properties are removed (37) leaving a total number of properties as 1221 in the area and approximately 463 properties which will require a licence under the rules of the proposed scheme.

There is also strong evidence that lower house prices in the identified areas within Ashfield have resulted in an influx of some unprofessional landlords purchasing properties to rent. These landlords frequently show no interest in managing their properties properly, often letting to anti-social tenants who cause a range of problems with minimal responsibility or control of both parties. This, in turn, can create difficulties for the local community and cause further destabilisation of these areas. There are 29 hazards enforcement officers look for when assessing a property for disrepair, the most prevalent ones found in the Ashfield district are: electrical hazards, damp and mould, fire safety, excess cold, structural collapse. In the areas identified in this report the average number of hazards at each address is 9 which is above the national average of 3. In the last five years the private sector enforcement team have inspected over 2610 privately rented properties within Ashfield to investigate housing standards.

It is, however, important to note that there is a number of professional high standard landlords purchasing in the wider areas of the district and generating good quality and well managed refurbishments. It is hoped that these landlords will be encouraged to move into the proposed areas in Sutton to deliver the same high quality accommodation in the proposed designated selective licensing areas.

## **5.3 Selective Licensing**

Selective Licensing is compulsory and applies to all rented properties in a designated selective licensing area with the exception of those already subject to mandatory HMO Licensing or those managed or owned by Registered Social Landlords (also known as housing associations).

In the areas where selective licensing would be applied, all landlords will be required to hold a licence in order to rent out a property. The licence lasts for five years.

To qualify for a licence a landlord must be able to demonstrate that they are acting within the law and taking adequate steps to manage their properties and keep them safe. During the 5 year licence period a full Housing Health and Safety Rating System (HHSRS) inspection will be carried out by officers as a requirement of the licence to ensure the property is in compliance with required standards for residential accommodation. In addition, a 'fit and proper' person test will be applied to test the landlord's suitability to manage a tenancy.

#### **5.4 Fees**

Part 3 of the Housing Act 2004 outlines that the Authority may require the selective licensing application to be accompanied by a fee fixed by the authority. As detailed in the statutory consultation the majority of landlords indicated that the proposed fee for the selective licensing designation area was too high and should contain a larger reduction for those landlords accredited through a relevant scheme.

A wider review of the fees in the North Nottinghamshire local authority housing working group showed that the Ashfield fee was significantly lower than neighbouring authorities in relation to mandatory licensing of HMOs with other authorities charging between £380 and £910 for a license, some of which were for a 1 year period. As a result both the authority and the landlords working group (12 landlords) which met as part of the public consultation agreed that the fee of £350 per application was fair and equitable to cover the operation of the licence period.

The fee would therefore remain at £350 as per the consultation information with a discount for accredited landlords. The intention for the Council is to set the fee at the same level as the mandatory HMO fee i.e. £350 for the five years the scheme will operate.

Those landlords that are accredited by either the DASH(EM) (Decent and Safe Homes East Midlands), NLA (National Landlords Association) or EMPO(East Midlands Property Owners) will receive a £100 discount per application (an application will be required for each individual property within the designated areas) so they will need to pay a license fee of £250.

To be eligible for the discount landlords must have been accredited by January 2017 when the designation area comes into force.

A discount of £100 will be applied to the overall cost of the fee if the applicant submits a fully completed application form and all requested documentation within 3 months of the designation area coming into force. Payment must be received in full.

#### **5.5 Breaches of conditions and fines**

The key purpose of selective licensing is to improve management conditions therefore if the scheme is introduced the key actions by Council officers will be to ensure that the landlords to rectify problems in their properties.

Those who do not apply to get a licence or breach licence conditions could, as a last resort, be prosecuted and receive an unlimited fine.

Exemptions of the requirement to licence a property are as follows:

- Local Housing Authorities or Registered Social Landlords (Housing Associations) tenancies
- Holiday lets
- Where a family member rents the property from you (proof required)
- Long lease tenancies (21 years)
- Business tenancies
- Properties where the Council has taken action to close the property down

## 5.6 Results of the Statutory Consultation

Having consulted with landlords, tenants and local business owners within the designated areas, Ashfield District Council have been able to learn the best actions to take regarding the scheme. By listening to those concerned, the Council has learnt that co-operation and support is important for landlords, as well as a realism that nothing will change simply overnight.

The consultation exercise was carried out from 6<sup>th</sup> May 2016 to the 29<sup>th</sup> July 2016,

The public consultation was very broad and involved many types of consultation, they included:

- A dedicated webpage launch on the 6<sup>th</sup> May 2016 listing a proposal document and all ancillary advice and documentation made available
- An online questionnaire was set up for the three main stakeholder groups, landlords, tenants and businesses.
- A street level leaflet drop to all affected properties and local businesses was carried out on the 14<sup>th</sup>, 15<sup>th</sup> and 17<sup>th</sup> May 2016.
- Officers also attended a number of public drop in sessions to offer advice and clarification to all attendees in both areas on at least six occasions.
- A stakeholders pre-launch event was held on the 14<sup>th</sup> April 2016. (full list and venues at **Appendix 1**)

In relation to the online questionnaires, 27 landlords responded in total, 16 of which were full responses. 11 were partial responses. Six tenants responded with five full responses and 1 partial response. Six businesses responded with 3 full and 3 partial responses.

Of the 16 full responses we received from landlords 3 agreed with the implementation of selective licensing, 6 did not. The remaining 7 did not answer this question. Of the 5 full responses we received from tenants of the Stanton Hill and Sutton Central area 3 agreed with the implementation of selective licensing, 1 did not and 1 did not answer the question. Of the 3 business owners who responded 2 disagreed with the implementation of SL, the other 1 did not answer the question.



## 5.7 Stakeholders' Views

The Nottinghamshire Police Force and Nottinghamshire Fire and Rescue Service, as key stakeholders, have expressed their initial full support for the implementation of a selective licensing regime in the proposed areas.

John Buckley, Chief Fire Officer of Nottinghamshire Fire and Rescue, explained that “Significant and persistent anti-social behaviour has long been associated with areas that have properties in a state of chronic disrepair.

He added: “It is my view that the Selective Licensing scheme could improve the safety of homes and properties by addressing unsafe and irresponsible management practises conducted by a minority of landlords, however I also recognise the potential impact on reputable landlords and welcome that fact that discounts on licensing will be applied to those who are accredited, and furthermore, that the areas considered in the proposal are targeted and proportional to risk”.

Inspector Glen Longden a representative of Nottinghamshire Police commented,

“I believe the scheme, will improve the local communities and environment for the majority of families living and working in these areas, who are adversely effected by those who have no desire to contribute to a better community. It will also assist the police as we seek to protect the most vulnerable in our societies, such as children who may be encouraged to absent themselves from school or their homes, being attracted to premises where they are exposed to significant risks from adults posing as “friends.” These types of premises can often be found in the areas highlighted in this proposal.

I am of the firm opinion that this scheme will assist in addressing the issues mentioned above and will result in a reduction in crime and anti-social behaviour and greatly assist the mission of protecting the most vulnerable people in our communities and it has my complete support.

Andrea Brown, Director of Programme Delivery, NHS Mansfield and Ashfield & Newark & Sherwood Clinical Commissioning Groups, advised that the CCG fully supports the approach that Ashfield District Council is taking regarding selective licencing.

The National Landlords Association (NLA), attending the stakeholders event on the 14<sup>th</sup> April 2016, and at a further separate meeting on the 27<sup>th</sup> July 2016 with officers to discuss license conditions. They broadly support the principle of the scheme and note the discount for their members.

The East Midlands Property Owners group (EMPO) advised that they support a scheme that is fair and offers discounts to those landlords who are accredited with a service such as EMPO. They also felt that the scheme was proportionate as it targeted areas which were supported by evidence rather than taking a blanket district wide approach.

Scrutiny Panel B met on the 6 July 2016 to discuss the implications of the proposed scheme and raised issues such as the associated fee and further costs passed to landlord if properties are found to be substandard as the evidence suggests and how this would be dealt with. It was confirmed that in the first instance landlords will always be dealt with proactively to informally address disrepair and enforcement will be in place in high risk cases and if informal approaches and license conditions are not adhered to. It was also confirmed that a key area for such a scheme is to impact positively on the health safety and welfare of vulnerable occupants within the areas.

## **6 Implications**

### **6.1 Corporate Plan:**

The proposed scheme would meet the following two elements of the corporate plan:

#### **6.1.1 Community responsibility for an attractive and safe environment**

Helping people live in a Clean, Safe and Accessible Local Environment.

Helping people dispose of their waste sustainably and in an appropriate way.

Sustaining a reduction in anti-social behaviour.

#### **6.1.2 Stronger and more resilient communities where people want to live, work, play and be involved**

Helping vulnerable people access the support they need, when they need it.

Reduction in fuel demand across the district (domestic and business properties).

#### **6.1.3 Improve Community Health and Wellbeing.**

Please see details below in paragraph 6.4

### **6.2 Legal**

Section 80 of the Housing Act 2004 allows local housing authorities to designate an area in their district as subject to selective licensing in areas which are experiencing low housing demand, suffering from anti-social behaviour, poor housing conditions, an influx of migration, high levels of deprivation and/or high levels of crime. Before making a designation the authority must take reasonable steps to consult persons likely to be affected by the designation and consider any representations made.

The legal department have been involved in the development of the scheme and licensing conditions.

### **6.3 Financial**

The estimated income and expenditure for the scheme is shown below. For illustrative purposes the level of take up of a reduced fee is demonstrated at both 40% and 100%.

Table 1 shows that if there are 463 properties requiring a five year licence at a cost of £350 each (income of £ 162,050) and 40% of those applicants receive a discount of £100 per application. This will result in an estimated total income for the 5 years the scheme will operate of £143,550.

Table 2 shows that if there are 463 properties requiring a five year licence at a cost of £350 each (income of £ 162,050) and 100% of those applicants receive a discount of £100 per application. This will result in an estimated total income for the 5 years the scheme will operate of £115,750. This is a shortfall of £18,956.

The Council has also applied other funding to the scheme which is paying for an Environmental Health Officer to work directly on the designated area.

The Council is currently considering options around on-line applications and will assess what the cost/benefit of such a proposal would be. If there is a business case for buying software to reduce administrative costs it might lead to a bid to the Council's Corporate Improvement Fund.

The income versus the costs of the scheme is laid out below.

<b>Table 1 - Income based on 463 Properties (40% Accredited)</b>							
			<b>£</b>				
185	40% Properties @ £250 (Discounted Rate)	46,250					
278	60% Properties @ £350 (Full Rate)	97,300					
463	<b>Total Income</b>	<b>143,550</b>					
<b>Implementation Expenditure</b>							
<b>Project Expenditure</b>		<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>Total Cost</b>
		<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Staffing Costs	Environmental Health Officer (2 Years FTC partially Funded by RHB Grant)	0	14,376	0	0	0	14,376
	Selective Licensing Officer x2 (3 Years FTC)	56,426	58,881	0	0	0	115,307
	Licensing Administrator (6 Months Part-Time FTC)	5,023	0	0	0	0	50,023
<b>Total Costs</b>		<b>61,449</b>	<b>73,257</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>134,706</b>

<b>Table 2- Income based on 463 Properties (100% Accredited)</b>							
		<b>£</b>					
463	100% Properties @ £250 (Discounted Rate)	115,750					
0	0% Properties @ £350 (Full Rate)	0					
<hr/>							
463	<b>Total Income</b>	<b>115,750</b>					
<hr/>							
<b>Implementation Expenditure</b>							
<b>Project Expenditure</b>		<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>Total Cost</b>
		<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Staffing Costs	Environmental Health Officer (2 Years FTC partially Funded by RHB Grant)	0	14,376	0	0	0	14,376
	Selective Licensing Officer x2 (3 Years FTC)	56,426	58,881	0	0	0	115,307
	Licensing Administrator (6 Months Part-Time FTC)	5,023	0	0	0	0	5,023
<b>Total Costs</b>		<b>61,449</b>	<b>73,257</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>134,706</b>

The costings are based on an intense programme in the first two years of the scheme with 2 years of less costly administration for year 3 and no additional costs for years 4 and 5. As detailed above the staff costings have been evaluated under the Council's Job Evaluation process. The costings include an added on-cost of 33% to pay for the cost to the Council of employing the staff.

Based upon the above information there is the possibility of a funding shortfall on this scheme. This will be monitored through the usual budget monitoring reports, and if a shortfall is forecast, Cabinet can approve use of the Corporate Improvement Fund. Any shortfall would therefore not impact on the Medium term Financial Strategy.

#### **6.4 Health and Well-Being / Environmental Management and Sustainability:**

The proposal for licensing will strengthen the protection of children in the Ashfield District. The Equality Impact Assessment shows that many poor and marginalised households live in the private rented sector (PRS) and some unethical landlords exploit these groups. These families often live in very poor conditions which threaten the wellbeing of their children and cause stress to parents. Licensing will also mean the Council has much better intelligence on this highly volatile sector where population turnover is very high.

The Council will have better information on where vulnerable families are living, especially those displaced into Ashfield from other boroughs because of benefit restrictions and placement into the Private Rented Sector by other housing authorities. Ashfield databases will be greatly strengthened by licensing, and we will be better able to plan and develop our existing and future interventions.

To mitigate short term negative effects Ashfield District Council will continue to liaise with the Police, Fire Service, National Landlords Association, the Housing Options service, Shelter and other agencies to ensure everybody is aware of the rights of tenants to protection from harassment and illegal eviction under the Protection from Eviction Act 1977.

### **6.5 Human Resources:**

There will be a requirement to put in place a specialist selective licensing team to deliver licensing within the district which would need to sit alongside the current Private Sector Enforcement team who currently deal with rogue landlords operating in the proposed areas in order to deliver on the Council's objectives.

#### **Staffing Proposal**

Proposed Staffing for the Selective Licensing Team for the initial 2 years:

1 @ Environmental Health Officer – funded by RHB – (15 months) – Grade G - £32,000 pa (plus on-costs)

2 @ Selective Licensing Officers - Grade E £23,116 - £25,694 (plus on-costs)

1 @ Licensing Administrator Part Time – Grade B - £9,000 (plus on-costs) pro rata for 6 months

There is likely to be enforcement work arising out of the team's licensing activity but it is expected that this will be dealt with by the existing enforcement team.

All posts detailed above have been subject to evaluation by the Councils Job Evaluation scheme.

### **6.6 Diversity/Equality:**

There is an existing Equality Impact Assessment which applies to the work of the Council in respect of the administration of the Housing Health and Safety Rating Scheme and the enforcement of Homes in Multiple Occupation. The baseline of data provided for that assessment will be used to assess the equality impact of this policy proposal. It is expected that the implementation of selective licensing will have a positive impact on groups with protected characteristics as it designed to benefit vulnerable households living in the areas covered by the scheme.

### **6.7 Community Safety:**

Part of the key purpose of the scheme is to improve community safety as described above in paragraphs 5.6 and 5.8.

## **6.8 Risks:**

Financial: At this stage the income and costs are estimated and currently the scheme does come in on budget on an estimate of 40% of fees being discounted. However, if the fee income is less than estimated or the cost is higher than estimated the scheme will not be sustainable. This will need to be kept under constant review.

Therefore a full review of the scheme will be carried out at the end of Year 1. This will include the financial implications and any other risks in relation to the scheme that may be identified during operation and delivery.

### **BACKGROUND PAPERS**

- (a) DCLG Guidance –Selective Licensing
- (b) Secretary of State Guidance –Selective Licensing
- (c) Shelter Best Practice – Selective Licensing
- (d) HHSRS – 29 Hazards leaflet

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### **Acknowledgements**

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## **APPENDIX 1**

### **CONSULTATION EVENTS/MTGS HELD**

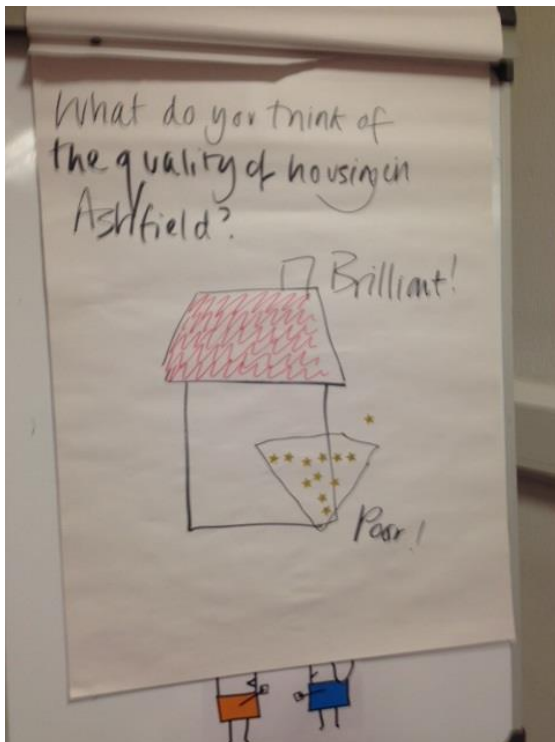
2016

14 <sup>th</sup> April	Selective Licensing Stakeholder Event
6 <sup>th</sup> May	Website Live – Consultation launched
17 <sup>th</sup> May	Meeting with local Councillors (Amanda Brown and Tom Hollis)
23 <sup>rd</sup> May	Drop in – New Cross Community Centre, Sutton (11 am – 1.00 pm)
26 <sup>th</sup> May	Email sent to Sherwood Area Landlords Forum Group inviting them to comment on Questionnaire and advising them of a Workshop to be planned
27 <sup>th</sup> May	Drop in – Brand Court, Stanton Hill (10 am – 12.00)
16 <sup>th</sup> June	Landlords Workshop – 12 landlords
17 <sup>th</sup> June	Meeting with Challenge Lettings Ltd
20 <sup>th</sup> June	Drop in – Brand Court, Stanton Hill (2 pm – 4 pm)
22 <sup>nd</sup> June	Drop in – New Cross Community Centre, Sutton (2 pm – 4 pm)
6 <sup>th</sup> July	Scrutiny Panel B (6.30 pm – 8 pm)
19 <sup>th</sup> July	Drop in – New Cross Community Centre, Sutton (3 pm – 6 pm)
20 <sup>th</sup> July	Drop in – Brand Court, Stanton Hill (3 pm – 6 pm)
26 <sup>th</sup> July	Sherwood Area Landlords Forum Group reminded by email of closing date
27 <sup>th</sup> July	Meeting with National Landlords Association – Teresa Kaczmarek & Gavin Dick (this is in addition to a previous preparation meeting held on the 28 <sup>th</sup> October 2015).

**APPENDIX 2**  
**LANDLORDS WORKSHOP FEEDBACK**

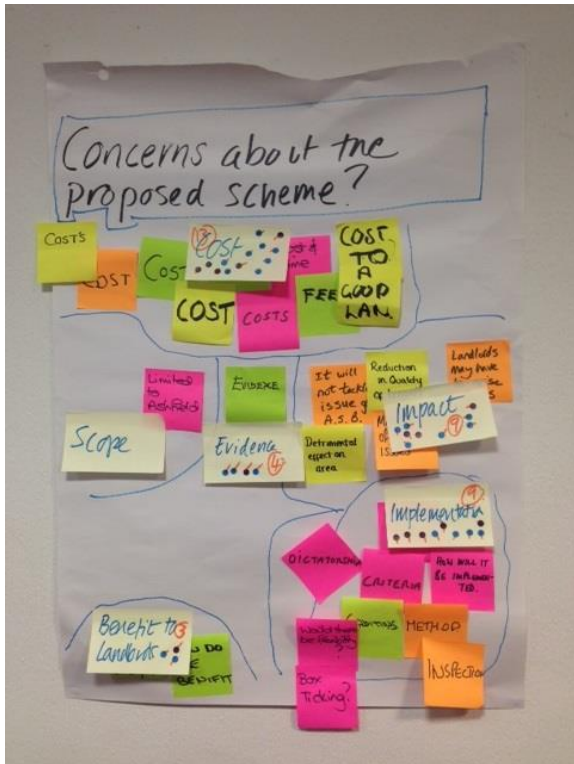
Feedback from Landlords' Workshop on Selective Licensing 16.6.16

Everyone was asked to evaluate the quality of housing Ashfield (all types). They placed a star on the picture with near to the chimney being "brilliant" and near the bottom of the house being "poor". The Group evaluated the quality as being closer to poor than brilliant.



We then asked participants for their concerns about the proposed Selective Licensing Scheme. Each participant was given 3 post-it notes. The issues were then grouped collectively and then as there were 6 items each person got 3 votes (to make them choose between options).





Issue	Votes
<b>Cost</b>	<b>13</b>
Cost x6	
Cost to good landlord	
Fees	
Cost of time	
<b>Impact</b>	<b>9</b>
Detrimental effect on the area	
Landlords may have to raise rents	
Reduction in quality of tenants	
It will not tackle issue of ASB	
Movement of issues	
<b>Implementation</b>	<b>9</b>
Grey areas	
How will it be implemented?	
Dictatorship	
Criteria	
Would there be flexibility?	
Box ticking?	
Method	
Inspection	
Conditions	
<b>Evidence</b>	<b>4</b>
Evidence	
<b>Benefit to landlords</b>	<b>3</b>
How do we benefit?	

Issue	Votes
What do we get out of it?	
<b>Scope</b>	0
<b>Limited to Ashfield</b>	

The group then were asked for their views on what could be the positive outcomes from the scheme?



Again everyone was given the opportunity to write on 3 post-it notes. The notes were grouped by an agreed theme and then voted on. As there were 7 issues everyone had 3 votes.

Issue	Votes
<b>Enhanced Community</b>	13
Improve area	
Bring more money to council	
Improve area possibly	
Improvement to Ashfield	
Improvement to area	
Less crime	
Reduce ASB I hope	
Better community	
Better environment	

Issue	Votes
Better area	
<b>Housing Standards</b>	<b>11</b>
Rent value +	
Value resale	
Improved housing	
Improve standards to property	
Would raise housing standards	
Better houses	
<b>Better Tenants</b>	<b>9</b>
Raise quality of tenant	
Better tenant x2	
<u>May</u> improve quality of tenants	
<b>Resolving Issues</b>	<b>6</b>
Resolve issues	
Team work?	
Access to information (tenants)	
<b>Quality Assurance</b>	<b>1</b>
Quality mark	
Peace of mind for tenant	
<b>Landlord knowledge</b>	<b>1</b>
Clarity on standards	
Increase landlord knowledge	
<b>Work for Council</b>	<b>0</b>
Keep council in job	

**APPENDIX 3**

**STAKEHOLDERS PRESENTATION**

[http://www.ashfield-dc.gov.uk/media/1277755/Presentation Selective Licensing 14 4 16 final small.pdf](http://www.ashfield-dc.gov.uk/media/1277755/Presentation_Selective_Licensing_14_4_16_final_small.pdf)

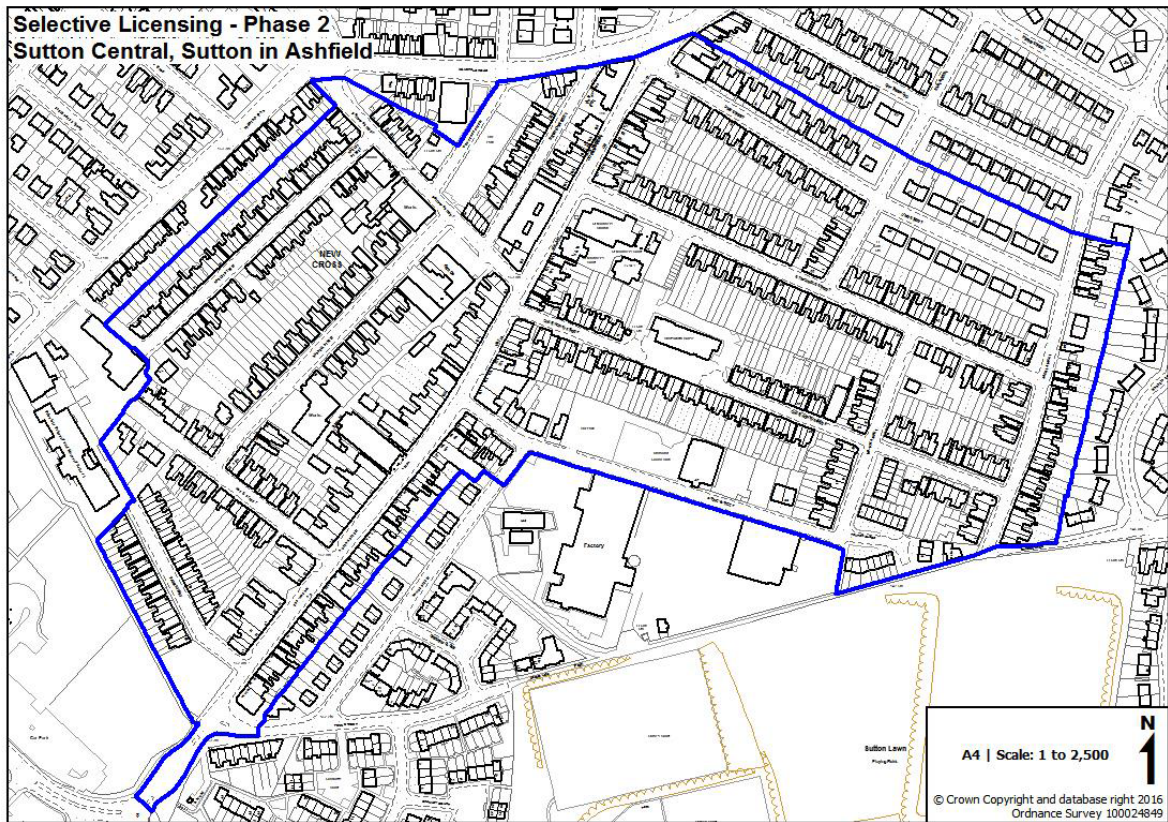
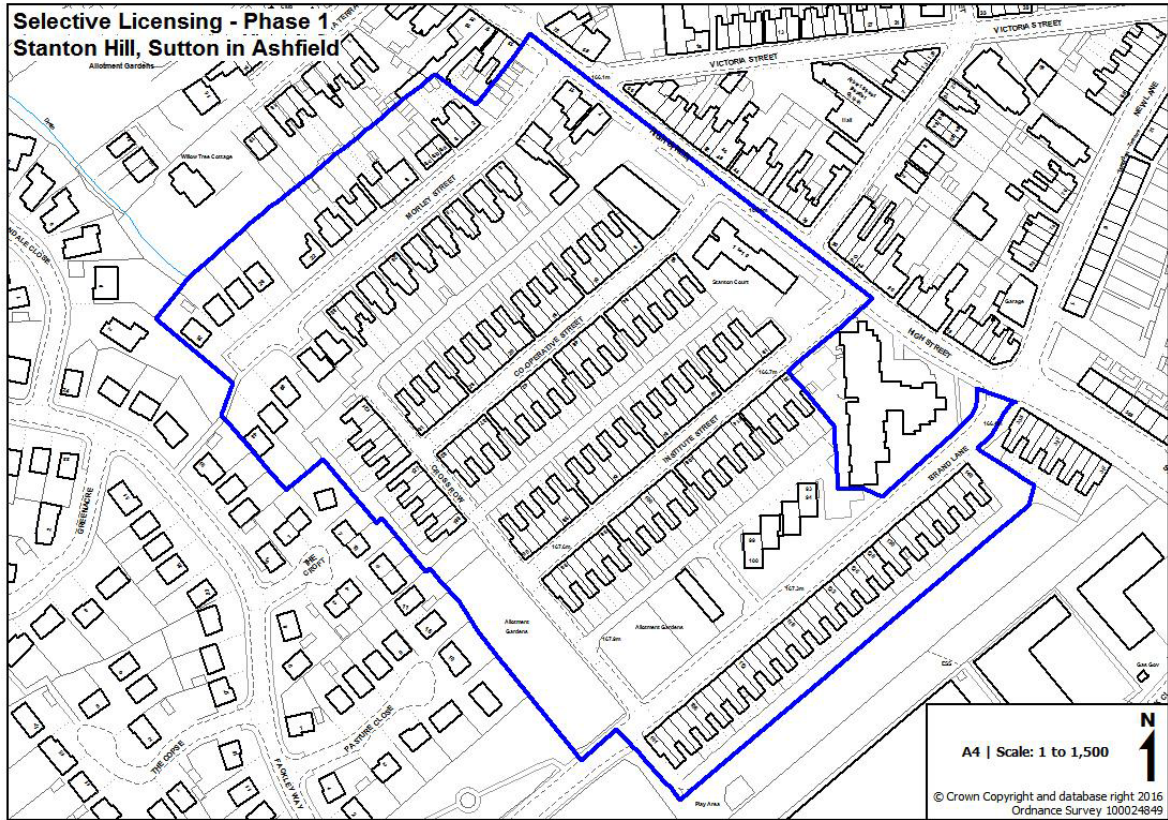
**APPENDIX 4**

**PROPOSAL DOCUMENTATION**

[http://www.ashfield-dc.gov.uk/media/1271634/Proposal to Declare a Selective Licensing Designation final .pdf](http://www.ashfield-dc.gov.uk/media/1271634/Proposal_to_Declare_a_Selective_Licensing_Designation_final_.pdf)

**APPENDIX 5**

**MAPS**



**APPENDIX 6**  
**LICENCE CONDITIONS**

## **Standard Conditions for Selective Licensing**

*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 Ashfield District Council.*

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

1. If gas is supplied to the house, the Licence Holder must provide a valid gas safety certificate for the house obtained in the last 12 months. The Licence Holder must have a valid gas safety certificate in place for the duration of the licence. This must be provided as part of the application process and on an annual basis thereafter.

2. The Licence Holder must:

- i) keep electrical appliances and furniture made available by him in the house in a safe condition;
- ii) supply the Authority, on demand, with a declaration by him as to the safety of all such electrical appliances and furniture.

3. 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
- ii) keep each such alarm in proper working order; and
- iii) supply the Authority, on demand, with a declaration by him as to the condition and positioning of such alarms.

4. The Licence Holder must:

- i) 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;
- ii) keep any such alarm in proper working order; and
- iii) supply the Authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.

5. The Licence Holder must provide the occupiers of the house with a written statement of the terms and conditions on which they occupy the house (e.g. a tenancy or licence agreement). The Licence Holder must provide a copy of the statement to the Authority on demand.

6. The Licence Holder must obtain references from all persons who wish to occupy the house. Where references cannot be obtained the Licence Holder must provide evidence of efforts made for reference checks. Copies of references or evidence of efforts made must be made available to the Authority upon request.

### **Conditions relating to the property**

7. The Licence Holder must:

i) ensure that the premises are covered by a valid current (i.e. dated as within the previous 5 years) Domestic Electrical Installation Periodic Report for all of the electrical installations throughout the period of the licence;

ii) Supply the Authority, on demand, with a copy of the periodic inspection report; and

iii) Ensure that all stated recommendations for urgent attention and improvement (Codes 1 and 2) are carried out within 28 days of the inspection report.

8. The Licence Holder must ensure that all fire detection systems, means of escape and fire-fighting equipment installed in the property are at least annually inspected by a competent person, and are adequately maintained and tested in accordance with any manufacturer's instructions. The Licence Holder must make a declaration on application and thereafter within 28 days of a request by the Authority.

9. The Licence Holder must arrange to carry out a detailed inventory to be agreed with each occupant at the start of their occupation of the house. The Licence Holder must keep a copy of the inventory at their business address.

10. The Licence Holder must ensure that occupants of the house receive written confirmation about how they must deal with repairs and emergencies should they arise. The Licence Holder must ensure that inspections are carried at least every six months to identify problems relating to the condition and management of the property. A copy of the tenancy management arrangements and a log of the inspections carried out must be provided within 28 days of a request by the Authority.

11. The Licence Holder must protect any tenancy deposit taken under an assured shorthold tenancy by placing it in a statutory tenancy deposit scheme, and must advise the tenants where it has been placed.

12. The Licence Holder must cooperate with the Authority by allowing an authorised person with identification to access the house for the purpose of carrying out licence compliance checks. Officers would normally give at least 24 hours' notice



to the Licence Holder or property manager, but unannounced visits may be made by authorised officers were deemed reasonable and appropriate.

13. The licence Holder must state in any written agreement with the tenant that no refuse (or rubbish) must be kept in the front or rear gardens (other than in the storage facilities provided).

14. The Licence Holder must obtain a valid Energy Performance Certificate (EPC) for new tenancies. A copy must be made available to all new tenants and produced to the Authority within 28 days of a request by the Authority.

### **Management of the licensed property**

15. If the property is a House in Multiple Occupation (HMO) which is not required to be licensed under Part II of the Housing Act 2004, the Licence Holder must ensure that the house is compliant with Ashfield District Council's approved standards for Houses in Multiple Occupation, according to the type of accommodation offered.

16. The Licence Holder must provide the occupiers of the house with details of the following management information:

i) Name of the Licence Holder and property manager (if any);

ii) A contact address and daytime telephone number;

iii) A 24-hour emergency contact telephone number including out-of-hours response arrangements.

If the property is a House in Multiple Occupation, the management information should also be clearly displayed in a prominent position within the house or added to the Licence/Tenancy Agreement as an Appendix. An emergency contact telephone number for the Licence Holder and any property manager must also be available and notified to the Authority.

17. A new resident must not be permitted to occupy the house or any part of the house if that occupation:

i) exceeds the maximum permitted number of persons for the house as detailed in the schedule of permitted occupation below;

ii) exceeds the maximum permitted number of households for the house;

iii) exceeds the maximum permitted number of persons for any letting as detailed in the schedule of permitted occupation below

A new resident means a person who was not an occupier of the house and/or the specific room at the date of the issue of the licence

### **Letting Location Area (Sq. m) Max Permitted Number per Room**

Room 1 First Floor Front - -*Property Specific*

Room 2 First Floor Rear - - *Property Specific*

## Total Maximum Permitted Number of Person for the House – *Property Specific*

18. The Licence Holder and any property manager shall undertake Council approved training (e.g. UKLAP/LLAS/NLA property management training) where required to do so by the Authority.

19. The Licence Holder must ensure that any person involved in the management of the house not detailed in the original licence application is a “fit and proper person” for the purposes of the Act and must notify the Authority of these changes.

20. The Licence Holder must inform the Authority within 10 working days of any changes in their circumstances which may affect their suitability to continue to remain as licensee (see Appendix 1).

21. The Licence Holder must display a copy of the licence to which the conditions apply in the common parts of the property. Alternatively the Licence Holder must provide each occupier of the house with a copy of the Licence Conditions which are currently in force.

22. The Licence Holder or his property manager must make regular inspections (at least every 6 months) of the property to ensure that the property is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions.

### **Crime, Security and Dealing with anti-social behaviour**

23. If the residential occupier misses a rent payment, the Licence Holder must visit the property no later than one month from the date the payment was due. This is to ensure that the property is secure and has not been abandoned.

24. Where window locks are fitted, the Licence Holder will ensure that keys are provided to the relevant occupants.

25. All door locks must comply with the relevant British Standard applicable at the time of fitting and any subsequent replacement. Where previous occupants have not surrendered keys, the Licence Holder will arrange for a lock change to be undertaken, prior to new occupants moving in.

26. The Licence Holder must take all reasonable and all practicable steps for preventing and dealing effectively with anti-social behaviour by people occupying or visiting the premises and for the use of the premises for illegal purposes including that the Licence Holder must ensure that:

i) the written statement of the terms and conditions upon which the house is occupied contains a clause holding the occupants responsible for any anti-social behaviour by themselves and/or their visitors;

ii) all occupants are aware of the existence of this clause by advising them upon taking up residence;

iii) The Licence Holder must respond to complaints of anti-social behaviour that concern occupiers of the premises or their visitors. Where anti-social behaviour is discovered, the Licence Holder must inform the tenant of the matter within 14 days and of the consequences of its continuation;

iv) The Licence Holder must keep records of any correspondence and written notes relating to anti-social behaviour for the premises for a period of 5 years;

v) If requested by the Authority, the Licence Holder and /or their nominated agent must provide details of investigations undertaken in relation to their tenants and/or their visitors, providing the names of all involved persons. The Licence Holder must ensure legal compliance to bring a tenancy to an end.

27. The Licence Holder must ensure that all outhouses, garages and sheds are kept secured and used for their intended purpose. The Licence Holder must not allow them to be occupied as individual habitable rooms, kitchens or bathrooms.

### **Environmental & neighbourhood management**

28. The Licence Holder must ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.

29. The Licence Holder must ensure that all outbuildings, yards, forecourts and gardens surrounding the house and alleyways within the property curtilage are maintained in reasonable repair. They must also be kept in a clean, tidy and safe condition, and free from infestations.

30. The Licence Holder must ensure that any kind of refuse and rubbish which the Council will not collect (e.g. large items and hazardous waste) are disposed of responsibly and appropriately.

#### **Notes:**

*i) The Licence or licence conditions do not imply approval or compliance for other purposes including Building Control, Planning and or other requirements of the Housing Act (including the existence of Category 1 and Category 2 hazards as identified under the Health and Safety Rating System)*

***ii) Failure to comply with any licence condition may result in legal proceedings and an unlimited fine on conviction.***

## **Schedule 1 - Suitability of Licence Holder**

1) 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 status as a 'fit and proper person'. In particular any conviction in respect of any offence involving fraud or dishonesty, violence, drugs, 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 property manager that he/she has practiced unlawful discrimination.

3) Details of any contravention on the part of the Licence Holder or property manager relating to housing, public health, environmental health, or landlord and tenant law, which has led to civil or criminal proceedings and a judgement or finding being made against him or her.

4) Information about any property the Licence Holder or property manager owns or manages (or has owned or managed) which has been made subject to:

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 enforcement action described under Part 1 sections 5(2) or 7(2) of the Housing Act 2004 - concerning Category 1 and Category 2 housing conditions hazards.

5) Information about any property the Licence Holder or property manager owns or manages (or has owned or managed) in relation to which a local housing authority has either refused to grant a licence under Parts 2 or 3 of the Act, or has revoked a licence.

6) Information about any property the Licence Holder or property 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) A change of property manager.

8) A change of address of the Licence Holder or property manager.

9) The undertaking of any substantial works to the property including conversions and modernisations that would affect the licence or the licence conditions.

<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.