

Landlord LICENSING

Liverpool's Selective Licensing Scheme



Conditions

For the purpose of licensing conditions attached to a licence

- (i) Liverpool City Council will be referred to as "the Authority" acting in its capacity as the Local Housing Authority.
- (ii) "tenancy" includes any form of licence, "tenancy agreement" includes any form of occupation agreement, and "tenant" includes licensee.

1. General Conditions

***Means Mandatory Condition (as prescribed by the Housing Act 2004)**

1.1. The licence holder must supply the occupiers of the property with a written statement of the terms on which they occupy it within 7 days of their commencement of their occupation of the property.*

1.2. If gas is supplied to the property, the licence holder is to provide to the authority annually a valid gas safety certificate obtained in respect of the property within the last 12 months (the first certificate must be provided within 12 months of the licence grant date and every 12 months thereafter) *

1.3. The licence holder must ensure that all gas installations and appliances are kept in a safe condition as far as reasonably practicable. The licence holder must ensure all works in relation to the gas appliances / installations are carried out by a Gas Safe registered engineer.

Details of registered Gas Safe engineers can be found at www.gassaferegister.co.uk

1.4. The licence holder must ensure that all electrical appliances provided by him (or if he is not the landlord, by the landlord) in the property are kept in a safe condition. The licence holder must supply to the Authority on demand a declaration by him as to the safety of such appliances.*

1.5. The licence holder must submit to the Authority, on demand, an electrical appliance test report in respect of any electrical appliances supplied by him (or if he is not the landlord, by the landlord). This report must be made available to the Authority within 14 days of the receipt of the demand.

1.6. The licence holder must ensure that smoke alarms and carbon monoxide alarms are installed in the property in accordance with condition 1.7, and keep each alarm in proper working order. The licence holder must supply the authority, on demand, with a declaration as to the condition and positioning of such alarms.* (Please refer to LACORS Guidance for further details. This guidance is available at <http://liverpool.gov.uk/business/private-landlords/licences-and-standards/hmo-standards/>)

1.7. The Licence holder must ensure that: *

1.7.1. A Smoke alarm is installed on each storey of the premises on which there is a room used wholly or partly as living accommodation (including a bathroom or lavatory); and

1.7.2. A carbon monoxide alarm is installed in any room which is used wholly or partly as living accommodation (including a bathroom or a lavatory) and contains a solid fuel burning combustion appliance.*

1.8. Without prejudice to the general requirements of condition 1.6, the licence holder must ensure that all alarms are in proper working order at the commencement of any new tenancy or licence.

1.9. The licence holder must ensure that, where provided, any fire-fighting equipment and fire alarms are maintained in good working order. The licence holder must submit to the Authority, for their inspection, a copy of all periodic inspection report/test certificates for any automatic fire alarm system, emergency lighting and fire-fighting equipment provided in the property. These must be provided to the Authority within 28 days on demand. (Please refer to LACORS Guidance for further details available at <http://liverpool.gov.uk/business/private-landlords/licences-and-standards/hmo-standards/>)

1.10. The licence holder must ensure that all furniture made available by him (or if he is not the landlord, by the landlord) in the property is in a safe condition. All upholstered furniture and covers and fillings of cushions and pillows should comply with current fire safety legislation. A declaration as to the safety of such furniture must be provided to the Authority on demand.*

1.11. The licence holder must demand references from persons who wish to occupy a letting in the property before entering into any tenancy, licence or other agreement with them to occupy the accommodation.*

1.12. The licence holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Authority within 28 days on demand.

Liverpool City Council Licensing Conditions

2. Tenancy management

2.1 At the commencement of any new tenancy, the licence holder must provide the occupier(s) with written information, including any contact details, explaining how they can make a complaint in relation to matters concerning their occupation and how the licence holder will deal with such, including the timescales for completion of repair works. The

contact and telephone number details should be applicable for contact between 9am – 5pm Monday to Friday, and should also include an out of hours contact number for use in emergencies. Any change in contact and/or telephone number details should be provided to occupiers within 7 days of the changes being made.

Note: The licence holder may use the CLASS Code of Standards as guidance to comply with this condition.

2.2 At the commencement of any new tenancy, details of the arrangements in place to deal with repair issues and emergency issues and any copies of the written statement of terms must be provided to the Authority for inspection within 7 days upon demand.

2.3 The licence holder must provide any tenant from whom a deposit has been taken in connection with their occupation of the property, with the information required by s213(5) Housing Act 2004.

2.4 The licence holder must ensure that the tenant's right to quiet enjoyment of the property is respected. Where entry is required to the property, the licence holder must ensure that any notice requirements contained in the tenancy agreement are complied with. Where the tenancy agreement does not contain any such requirements, the licence holder must ensure that the tenant receives at least 24 hours written notice of intention to enter the property specifying the reason entry is required, save where it would not be reasonable to give such notice, such as where services are to be provided more quickly or in an emergency.

2.5 Where a burglar alarm is fitted, the licence holder must provide the tenant with instructions on how to operate the alarm and how to report a fault with the system.

2.6 If the property is a house in multiple occupation, the licence holder must ensure that the house is compliant with the authority's **approved standards** for houses in multiple occupation.

2.7 Where window locks are fitted, the licence holder must ensure that keys capable of locking/unlocking the windows are provided.

3. Fit and Proper Person

3.1. The licence holder must at all times be a fit and proper person to be the licence holder. The licence holder must notify the Authority within 7 days of a finding by any court that the licence holder or any person involved in the management of the house has committed any of the matters identified at 3.1 (a) to (c) below. In deciding for the purposes of The Housing Act 2004 section 88(3)(a) or (c) whether a person is fit and proper person to be the licence holder or the manager of the house, the local housing authority must have regard to any evidence as follows:

- (a) Any offences involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- (b) Any unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with the carrying on of any business.
- (c) Any contravention of any provision of the law relating to housing or of landlord and tenant law.
- (d) Any person involved in the management of the property has sufficient level of competence to be so involved.
- (e) Any person involved in the management of the house is a fit and proper person to be so involved.
- (f) Provision of adequate management structures and funding arrangements.

4. Anti-social Behaviour

4.1. The licence holder must ensure that any tenancy agreement granted after the issue of this licence includes the following clause within the tenant's obligations:

Nuisance and Anti-social Behaviour: Not to cause, or allow household members, or visitors to engage in anti-social behaviour, which means any conduct causing or capable of causing a nuisance or annoyance to the landlord, other occupiers, neighbours or people engaging in lawful activity within the locality. (Examples of anti-social behaviour include failure to control dogs or children, leaving gardens untidy, not properly disposing of rubbish, inconsiderate use of the property, as well as more serious problems such as noise, violent and criminal behaviour, domestic abuse, the supply and use of controlled drugs, and intimidation, harassment or victimisation on the grounds of a persons' race, sex (gender), sexual orientation, disability, age, religion or belief, pregnancy or maternity status, socio-economic status)

4.2. The following arrangements must be implemented to ensure the tenant fulfils the requirements of the above clause in condition 4.1:

- (a) The licence holder must provide an emergency contact number (including out of hours response arrangements) to the Authority within 7 days of the grant of this licence or change of such number.
- (b) Details of arrangements for the disposal of rubbish and bulky waste must be provided to the tenant(s) on grant of any tenancy. This must include (where applicable) details of any arrangements in relation to alley-gates including the transfer of, and/or information on how to obtain, an alley-gate key.

4.3. The licence holder must effectively address all problems of anti-social behaviour resulting from the conduct on the part of a tenant, occupiers, or visitors to the premises by complying with the requirements of paragraphs (a) to (i) below amongst other steps as appropriate:

The licence holder must not ignore or fail to take action, if he has received complaints of anti-social behaviour that concern the occupiers of or visitors to the property or that result from their actions.

- (a) Any letters, relating to anti-social behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept by the licence holder. True copies of the original document should be made available to the Authority within 7 days on demand.
- (b) The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding anti-social behaviour.
- (c) If a complaint is received, or anti-social behaviour is discovered, the licence holder must contact the tenant within 7 days. The tenant must be informed of the allegations of the anti-social behaviour in writing and of the consequences of its continuation.
- (d) The licence holder must, from the date of receipt of the complaint of anti-social behaviour, monitor any allegations of anti-social behaviour and take all necessary steps to establish if it is continuing.
- (e) Where the anti-social behaviour is continuing after 14 days from receipt of the complaint, the licence holder, or his agent must within 5 days visit the premises and give to the tenant, or leave at the property marked for their attention, a warning letter advising them of the possibility of eviction.
- (f) Where the licence holder or his agent has reason to believe that the anti-social behaviour involves criminal activity the licence holder must ensure that the appropriate authorities are informed.
- (g) If after 14 days of giving a warning letter the tenant has failed adequately to address the anti-social behaviour so that it is continuing, the licence holder must take appropriate formal steps under the tenancy agreement, whether to enforce its terms or to terminate it, including, where necessary, by taking legal proceedings against the occupier(s).
- (h) Where the obligation under (g) has arisen, the licence holder must, within 7 days, provide to the Authority in writing a plan setting out the steps he proposes to take, and the timescale for the taking of those steps, in order to resolve the problem.
- (i) Whether following the provision of a plan referred to at (h) above, or generally, if the licence holder is invited to do so, they must attend a case conference or Multi-Agency Meeting arranged by the Authority or Police.

4.4. The property must be regularly monitored between tenancies to ensure that it does not cause a nuisance to neighbours or other local residents.

5. Property Management

5.1. The licence holder must ensure that any remedial works to rectify disrepair issues identified are undertaken within a reasonable period of time, and within the timescales notified to the occupiers under condition 2.1.

5.2. The licence holder must ensure, insofar as reasonably possible, that emergency works necessary to protect the security of the property are undertaken within 24hrs of notification e.g. damage to windows/entrance points to the property.

5.3. Where the Authority has reasonable grounds for believing that the electrical installation may be in need of repair or upgrading, it may demand from the licence holder an Electrical Installation Report or electrical installation certificate carried out by a suitably qualified electrical contractor who should 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. Such reports should not be more than 5 years old. Electrical contractors that are on a relevant competent person scheme can be found at www.competentperson.co.uk

5.4. Should the electrical installation report specify the installation to be unsatisfactory then the licence holder must ensure that the works necessary to bring it up to a satisfactory condition are completed as soon as possible but within a reasonable time period depending upon the nature of the problem.

5.5. Where the licence holder becomes aware of a pest problem or infestation at the property he must take steps to ensure that a treatment programme is carried out to eradicate the pest infestation. Records must be kept of such treatment programmes and these must be provided to the Authority within 28 days on demand.

5.6. The licence holder must ensure that inspections of the property are carried out a minimum of every 6 months to identify any problems relating to the condition and management of the property. The records of such inspections must be kept for the duration of this licence. 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.

5.7. As far as is reasonably practicable, the landlord/licence holder must not allow the property to become overcrowded.

5.8. The licence holder must ensure that, as far as is reasonably practicable:

- (a) The exterior of the property is maintained in a reasonable decorative order, and in a good state of repair.

- (b) The exterior of the property and boundary walls, fences and gates etc. are kept free from graffiti.
- (c) Gardens, yards and other external areas within the curtilage of the property are kept in reasonably clean and tidy condition.
- (d) That "To Let" signs are removed within 14 days of the property becoming occupied.

6. Facilities and Equipment

6.1. The licence holder must provide adequate facilities and amenities (such as toilets, baths, showers, washing and cooking facilities) as per the number of occupiers. All facilities and any equipment provided including cupboards, shelving or fittings etc. must be maintained in good repair and working order as far as is reasonably practicable.

7. Tenant Information

7.1. The licence holder must provide the tenant with an information pack containing the following documentation:

- (a) A true copy of the licence to which these conditions apply.
- (b) A notice with the name, address day time and emergency contact number of the licence holder or managing agent.
- (c) Where appropriate, true copies of the current gas, electrical safety and energy performance certificates.
- (d) Statement of the terms of occupation.
- (e) Details of arrangements for the storage and disposal of waste and
- (f) Burglar alarm operating procedures (where applicable).

8. Variations

8.1. The licence holder must inform the Authority, in writing, of any changes to the occupation, ownership or management of the property, as listed below within 14 days of the change occurring:

- (a) Changes in the number of persons to occupy the licensed premises
- (b) Changes in the ownership of the property
- (c) Licence holder change of address or contact telephone number
- (d) Manager change of address or contact telephone number
- (e) Change of manager
- (f) Appointment of manager

9. General

- (a) The licence holder must advise the Authority in writing of any proposed changes to the construction, layout or amenity provision of the property that would affect the licence or licence conditions.

- (b) Subject to condition 2.4, the licence holder must arrange for access to be granted at any reasonable time and must not obstruct any Authority Officer(s) carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.
- (c) The licence holder must, if required, by written notice within 7 days provide the Authority with following particulars as may be specified in the notice with respect to the occupancy of the house:
 - i. The names and numbers of individuals/households accommodated specifying the rooms they occupy within the property.
 - ii. Number of individuals in each household.
- (d) The licence holder must ensure that whilst any alteration or construction works are in progress, the work is carried out to ensure the safety of all persons occupying or visiting the premises.

Notes.

For planning and building regulation queries please refer to the planning pages on the Authority's website or contact
• **Planning & Building Control: 0151 233 3000**
Failure to comply with any licence condition may result in proceedings including unlimited fines and loss of the licence.

The property licence and conditions do not imply or grant by inference or otherwise any approval or permission for any other purposes including those for Building Control, Development Control and under The Regulatory Reform (Fire Safety) Order 2005. Conversely compliance with any of those requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing. Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with category 1 and category 2 hazards as may be identified under Housing Health and Safety Rating System (HHSRS) and does not preclude such action.

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