

# **APPENDIX 6**

## **Mandatory & Discretionary Licence Conditions REVISED**

**STOCKTON-ON-TEES BOROUGH COUNCIL**

# **SELECTIVE LICENSING SCHEME PROPOSAL**

**Appendix 4:  
Mandatory & Discretionary Licence Conditions**

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\*Where there is a reference in this document to providing certification, declarations, etc to the Local Housing Authority, the Authority, the Council or Stockton-on-Tees Borough Council, this shall be taken to mean unless otherwise stated that this is provided to the Selective Licensing team using the contact details provided on page 10.

## Mandatory Licence Conditions – Housing Act 2004, Schedule 4

### Condition 1 - Gas Safety

**Condition requiring the licence holder, if gas is supplied to the house, to produce to the Local Housing Authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.**

- 1.1 If gas is supplied to the house, the licence holder shall provide annually to Stockton-on-Tees Borough Council, within **14 days** of the annual gas safety inspection, a copy of a valid gas safety certificate issued by a Gas Safe registered engineer, complying with the Gas Safety (Installation and Use) Regulations 1998 (as amended).
- 1.2 In addition if gas is supplied to the house, the licence holder must supply Stockton-on-Tees Borough Council, upon demand and within **14 days** of that demand, a copy of a valid gas safety certificate issued by a Gas Safe registered engineer within the previous 12 months, complying with the Gas Safety (Installation and Use) Regulations 1998 (as amended).

### Condition 2 - Electrical Installation

**Condition requiring the licence holder, to ensure that every electrical installation in the house is in proper working order for safe and continued use; and to supply to the authority on demand with a declaration as to the safety of such installations.**

- 2.1 The licence holder must ensure that a full periodic inspection and testing of the electrical installation in the house is undertaken in accordance with BS 7671 (or any British Standard which subsequently replaces this) at intervals of no more than 5 years and a relevant Electrical Installation Condition Report is provided.

**Where an Electrical Installation Condition Report or Periodic Inspection Report (PIR) expires during the term of the licence, an up to date report must be provided to Stockton-on-Tees Borough Council within 28 days of the expiry date.**

- i. Where any defects or deficiencies are specified on the Electrical Installation Condition Report making the installation unsatisfactory, that works to remedy those defects or deficiencies must be completed no later than **28 days** following the date of the report and Stockton-on-Tees Borough Council is informed upon completion of such works.
- ii. If the Electrical Installation Condition Report specifies the installation is satisfactory but lists any other remedial works or recommendations those works are completed no later than **12 months** following the date of the report and Stockton-on-Tees Borough Council is informed upon completion of such works.
- iii. The licence holder must supply to Stockton-on-Tees Borough Council, upon demand and within **7 days** of that demand, a copy of a valid Electrical Installation Condition Report issued by a qualified and competent person.

### Condition 3 - Safety of Electrical Appliances

**Condition requiring the licence holder, to keep electrical appliances made available by them in the house in a safe condition and to supply the Authority, on demand, with a declaration by them as to the safety of such appliances.**

- 3.1 The licence holder must ensure that all electrical appliances, other than those supplied by the occupiers, are kept in a safe condition.
- 3.2 The licence holder must supply Stockton-on-Tees Borough Council, upon demand and within **14 days** of that demand, a declaration as to the safety of electrical appliances.

### Condition 4 – Safety of Furniture

**Condition requiring the licence holder, to keep furniture made available by them in the house in a safe condition and to supply the Authority, on demand, with a declaration by them as to the safety of such furniture.**

- 4.1 The licence holder must ensure that all furniture, other than furniture supplied by the occupiers, whether new or second-hand complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988, (as amended) and is in a safe condition.
- 4.2 The licence holder must supply Stockton-on-Tees Borough Council, upon demand and within **14 days** of that demand, a declaration as to the safety of that furniture.

### Condition 5 – Smoke Alarms

**Condition requiring the licence holder 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 to keep each such alarm in proper working order.**

- 5.1 The licence holder must 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 (including a bathroom or lavatory) and to keep those alarms in proper working order.
- 5.2 The licence holder must ensure that smoke alarms are repaired or replaced once informed and found that they are faulty.
- 5.3 The licence holder must supply Stockton-on-Tees Borough Council, upon demand and within **14 days** of that demand, a declaration as to the condition, positioning and testing of such alarms.

### Condition 6 – Carbon Monoxide Alarms

**Condition requiring the licence holder to ensure that a carbon monoxide alarm is installed in any room in the house the house which is used wholly or partly as living accommodation and contains a fixed combustion appliance (other than a gas cooker) and to keep them in proper working order.**

- 6.1 The licence holder must ensure that a carbon monoxide alarm is installed in any room (includes a hall or landing), which is used wholly or partly as living accommodation (including a bathroom or lavatory) and where that room contains a fixed combustion appliance (excluding gas cookers) and to keep those alarms in proper working order.

- 6.2 Ensure carbon monoxide alarms are repaired or replaced once informed and found that they are faulty.
- 6.3 The licence holder must supply Stockton-on-Tees Borough Council, upon demand and within **14 days** of that demand, a declaration as to the condition and positioning of such alarms.

### Condition 7 – Tenancy Agreements

**Condition requiring the licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.**

- 7.1 The licence holder shall provide a written statement to the occupiers of the house detailing the terms on which they occupy it; i.e. a tenancy agreement and must provide Stockton-on-Tees Borough Council, upon demand and within **14 days** of that demand, a copy of that agreement.

Guidance on the terms of tenancy agreements can be obtained from the Office of Fair Trading and your local Citizen Advice Bureau. Further details may be found on the following web page: <https://www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy>

### Condition 8 – Tenant Referencing

**Condition requiring the licence holder to demand references from persons who wish to occupy the house.**

- 8.1 The licence holder must demand and obtain references for **all prospective** occupiers of the house to enable the licence holder to make an informed decision regarding allowing occupancy of the property.
- 8.2 All references shall be obtained by the licence holder via the **FREE** Stockton-on-Tees Borough Council tenant referencing service using the Council's approved form. A tenancy reference check will only be completed if all of the information requested has been provided and validated.
- 8.3 The licence holder must retain all references obtained for occupiers for the duration of this licence and must provide Stockton-on-Tees Borough Council, upon demand and within **14 days** of that demand, a copy of pre-let reference checks, along with full names and dates of birth of each occupant.

**Details of how to contact Stockton-on-Tees Borough Council in respect of the tenant referencing service can be found at: Detail to be inserted prior the implementation date of Selective Licensing.**

## Discretionary Licence Conditions imposed by Stockton-on-Tees Borough Council – Housing Act 2004, Section 90

### Condition 9 – General Management

#### Conditions relating to the general management of the property and tenancy by the licence holder.

The licence holder must ensure that:

- 9.1 Any persons involved with the management of the house are to the best of their knowledge “fit and proper persons” for the purposes of the Act.
- 9.2 A copy of the licence including the conditions attached to it is provided to all tenants.
- 9.3 The occupants of adjoining properties are provided with direct contact details of the licence holder *or if applicable the person appointed to manage the property* in case of an emergency or to enable them to inform the licence holder of problems affecting their properties.
- 9.4 Inspections of a licensed property are undertaken a minimum of every twelve months.
- 9.5 A written record of the inspections must be kept for the duration of the licence and contain the following details; who carried out the inspection, the date and time of the inspection, details of the issues found and the action taken.
- 9.6 The licence holder must supply Stockton-on-Tees Borough Council, upon demand and within **14 days** of that demand, a copy of the written record of an inspections.

### Condition 10 – Tenancy Management

#### Conditions requiring the licence holder to manage the tenancy.

The licence holder must ensure that:

- 10.1 A detailed inventory is carried out, provided to and agreed with each tenant before commencement of their occupation of the house and kept on file by the licence holder at their home or business address. (*Template inventory forms are available from SBC*).
- 10.2 On occupation or in the event of a change in circumstances, all tenants of the licensed property are provided with the following up to date, written information in respect of the licence holder *or if applicable the person appointed to manage the property*:
  - (a) Name and contact address,
  - (b) Daytime telephone number,
  - (c) E-mail address, (if applicable),
  - (d) Emergency telephone number,
  - (e) Alternative contact details.

- 10.3 On occupation or in the event of a change in circumstances all tenants of the licensed property receive written confirmation detailing up to date arrangements, including timescales that have been put in place to deal with;
- (a) Repair issues
  - (b) Emergencies should they arise
  - (c) Anti-social behaviour and nuisance
  - (d) The management arrangements that will be put in place for an emergency or in the licence holder's, or if applicable, the manager's absence.
- 10.4 Upon occupation all tenants of the property receive written information detailing;
- (a) Their responsibilities to maintain at all times any garden, yard and other external areas within the curtilage of the house, and to ensure they are kept in a reasonably clean and tidy condition.
  - (b) Their responsibilities in respect of waste storage and disposal, to include details of what day refuse and recycling collections take place and what type of receptacle to use for household waste and recycling.
  - (c) Their responsibilities to make arrangements for any extra rubbish that cannot fit in the bins to be collected and/or disposed of as soon as is reasonably possible and ensure that such rubbish, where possible, is stored at the rear of and within the boundary of the property until collection/disposal.
  - (d) That for larger household items such as sofa's, beds, fridge freezers etc the Council operates a bulky waste collection service. For more information and associated costs please visit <https://www.stockton.gov.uk/bulky-waste>
- 10.5 If the licence holder receives a reference request for a current or former tenant he/she must refer the matter to Stockton-on-Tees Borough Council's tenancy referencing service who will also carry out a reference check.
- 10.6 If accommodation is provided on a furnished basis and includes electrical appliances, on occupation all tenants of the property are provided with copies of user manuals or equipment provided as part of the agreement for the occupation of the property.

## Condition 11 – Property Management

### Conditions requiring the licence holder to manage, maintain and repair the property.

The licence holder must ensure that:

- 11.1 Reasonable and practical steps are taken to respond to repair and maintenance issues at their property and that any works to deal with repairs are undertaken within a reasonable period of time after they are notified.
- 11.2 The occupiers are provided with reasonable notice of arranged access requirements to carry out work to the property. Save in the case of an emergency, a minimum of 24 hours notice must be given in writing and as far as practicable access will be arranged at a convenient time for the occupier.
- 11.3 All repairs to the house or any installations, facilities or equipment within it are carried out by competent and suitably qualified persons, for example Gas Safe registered operatives for gas appliances and an electrical contractor who is a member of an approved scheme, such as NICEIC, BSI, NAPIT, ELECSA or BRE.



## Condition 12 – Tackling Anti-Social Behaviour (ASB)

**Conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house and the use of the premises for illegal purposes.**

*Anti-social behaviour is serious or persistent behaviour that causes or is likely to cause harassment, alarm or distress within a community or society. It can cover a range of issues, from annoying disturbance, such as loud music to serious acts of violence or harassment. This behaviour may be caused by individuals or involve groups of people. Stockton-on-Tees Borough Council are committed to working with landlords and housing associations to tackle both the causes and effects of anti-social behaviour in our communities.*

The licence holder must;

- 12.1 Ensure that all reasonable and practicable steps are taken to prevent and respond to instances of anti-social behaviour in all its forms.
- 12.2 Have a clear and written action plan which outlines the procedures for preventing and dealing with anti-social behaviour. This action plan should be reviewed on an annual basis and be provided to Stockton on Tees Borough Council upon request and within **7 days** of that request.
- 12.3 Ensure that each tenant/occupant is made aware of their own personal responsibility for their own behaviour and the behaviour of others both living at and visiting the address. tenants shall be made aware that if they, other occupiers or their visitors:
  - Engage in criminal activity in the locality; or
  - Cause nuisance or annoyance to neighbours; or
  - Use abusive or threatening language or behaviour to neighbours; or
  - Fail to store or dispose of refuse properly; or
  - Cause damage to fixtures, fittings, fire prevention or alarm equipment or installations, or to the fabric of the premises; or
  - Fail to give access to the landlord or his agent upon reasonable notice, to inspect and undertake works with their property [or for the purpose of maintaining communal areas];

They may be liable to enforcement action which may include possession proceedings either under the terms of the tenancy, pursuant to section 21 of the Housing Act 1988 or pursuant to Grounds 13 or 14 of schedule 2 to the Housing Act 1988. Alternatively, the landlord may seek an injunction under the Anti-Social Behaviour Crime and Policing Act 2014.

- 12.4 Ensure that upon demand, Stockton-on-Tees Borough Council, are provided, within **7 days** of that demand, with the full names and date of birth of each occupant of the property.
- 12.5 Co-operate with Stockton-on-Tees Borough Council, Cleveland Police and any other relevant agencies in resolving complaints of anti-social behaviour or criminal activity involving tenants, occupiers or visitors to the property. The licence holder and/or their nominated managing agent must not ignore or fail to take action against any complaints regarding their tenants or property.

Written records of action taken, if any, shall be maintained and made available for inspection by an authorised officer at Stockton-on-Tees Borough Council upon request.

- 12.6 Ensure that Cleveland Police and Stockton-on-Tees Borough Council are informed immediately, where they have reason to believe that their tenant's behaviour or the behaviour of any other occupant or visitors to the property involves criminal activity
- 12.7 Attend, or be represented at home visits, interviews, multi-agency meetings or case conferences arranged by the Council or its partners when necessary.
- 12.8 During the course of the inspections detailed at 9.4 above, ensure that the occupiers are not in breach of tenancy terms and conditions in relation to anti-social behaviour. The written records of inspections made, conditions noted and actions taken as a result of your inspection shall be maintained and made available to Stockton on Tees Borough Council upon request.
- 12.9 Keep a written record of the inspections for the duration of the licence and contain the following details: who carried out the inspection, the date and time of the inspection, details of the issues found and the action taken. The licence holder must supply Stockton-on-Tees Borough Council, upon demand and within 14 days of that demand, a copy of the written record of those inspections.
- 12.10 Ensure that the occupants of the property are aware of the services available to them and how they too can report nuisance and anti-social behaviour to Stockton-on-Tees Borough Council or Cleveland Police.

### **Condition 13 – External Areas, Refuse and Waste**

**Conditions requiring the licence holder to manage the external areas of the property and to ensure the property is free from accumulations of waste and that there are suitable arrangements for the collection, storage and disposal of refuse and waste.**

- 13.1 The full range of recycling and refuse containers appropriate to the Council are available at the start of a tenancy.
- 13.2 The licence holder must ensure that the gardens, yards and other external areas are cleared of rubbish, debris and accumulations and are cleaned between tenancies.
- 13.3 The licence holder must ensure that all refuse and unwanted items are cleared from the house before a new tenant moves in.
- 13.4 The licence holder shall undertake repairs to ensure that the exterior of the property is maintained in a reasonable decorative condition and state of repair, including the removal of graffiti.

### **Condition 14 – Security**

**Conditions requiring the licence holder to ensure the property has suitable arrangements for the ongoing security of the property.**

- 14.1 The licence holder must ensure that the property is secured when unoccupied by taking reasonable steps to secure the property from unauthorised entry within 24 hours of notification of damage to door entrances/windows etc. The security measures used must not be detrimental to the amenity of the area e.g. windows and doors must not be boarded up.
- 14.2 The licence holder must arrange for a lock change to be undertaken where previous occupants have not surrendered keys, prior to new occupants moving in.

- 14.3 The licence holder must ensure that where window locks are fitted, keys are provided to the relevant occupants.
- 14.4 The licence holder must ensure that where alley gates are installed to the rear of the licensed property, that the occupant(s) is (are) made aware of how to obtain a key.
- 14.5 The licence holder must ensure that where a burglar alarm is fitted to the house, that the occupant(s) is (are) made aware of the code, how the alarm is operated and the circumstances under which the code for the alarm can be changed.

### Condition 15 – Compliance Inspections

#### Condition requiring the licence holder to allow the Council to undertake Licence compliance checks.

- 15.1 The licence holder must ensure that the Council are allowed to undertake Licence compliance checks of their properties. Council officers will give the Licence holder at least 24 hours notice of these checks and produce valid authorisation at the time of visit. If the inspection is because the Council suspects there has been a breach of Licence conditions, then no notice period will be provided.

### Condition 16 – Licence Fee Payment

#### Condition requiring the licence holder to pay a licence fee.

- 16.1 The licence holder must, make arrangements within 14 days upon demand by Stockton-on-Tees Borough Council to pay any outstanding balance in respect of the licence fee.

### Condition 17 – Notification of Changes

#### Conditions requiring the licence holder to ensure that the relevant persons are notified of certain changes.

- 17.1 The licence holder must inform Stockton-on-Tees Borough Council, within **7 days** of any changes in the licence holder's circumstances or the circumstances of the person appointed to manage the property.

## CONTACT DETAILS

Further information regarding Selective Licensing in the Stockton-on-Tees area can be obtained by contacting the Selective Licensing team as follows:-

By e-mail to: [selectivelicensing@stockton.gov.uk](mailto:selectivelicensing@stockton.gov.uk)

By letter to: Selective Licensing  
Adults, Health & Wellbeing (Housing and A Fairer Stockton-on-Tees)  
16 Church Road  
Stockton on Tees  
TS18 1TX

By telephone to: *TO BE INSERTED prior scheme implementation.*

This service is open between 8.30am and 5.00pm Monday to Thursday and 8.30am to 4.30pm on Fridays.

Information is also available on the Stockton-on-Tees Borough Council's website at: *TO BE INSERTED prior scheme implementation.*