

Appendix B: Proposed conditions- selective licences granted under Part 3 of the Housing Act 2004

Definitions

In these licence conditions:

- “*the Property*” refers to the premises which is subject to this licence.
- “*the Council*” and “*the Authority*” interchangeably refer to the local authority, namely DURHAM COUNTY COUNCIL
- “*Licence Holder*” refers to: (a) the person to whom the Authority has granted this licence.
- “*Mandatory Licence Conditions*” refers to conditions that the Authority is obliged to impose under any licence granted under Part 3 Housing Act 2004 by virtue of Schedule 4 of that Act.

Preliminaries

The person to whom this licence is granted is responsible for ensuring compliance with its conditions at all times and remains so whether or not another person has also agreed to be bound by them.

Failure to comply with any of the conditions of this licence is a criminal offence and may be punishable by prosecution with an unlimited fine or a civil penalty of up to £40,000.

There are two types of standard conditions that are applied to this licence.

- Mandatory Conditions – the local authority must apply as outlined in Schedule 4 of the Housing Act 2004 (***in bold italics***)
- Discretionary Conditions (DC) - which the local authority have applied to regulate the management, use or occupation of the property as outlined in the Housing Act 2004 section 90 (1) (3) Housing Act 2004 Section 90 (1)

In some circumstances, where the council believes there are specific issues not covered in the standard conditions for a particular property, additional or more specific conditions will be added.

Licence Holders are expected to be aware of all relevant legislation, including but not limited to:

- The Housing Act 2004
- The Renters’ Rights Act 2025

- The Gas Safety (Installation and Use) Regulations 1998
- Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022
- The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Correspondence

Unless otherwise specified in this licence, any documentation, notifications, or communications required to be submitted to the Council under the conditions of this licence shall be delivered to:

By post to Selective Licensing, Durham County Council , PO BOX 274 , Stanley , County Durham , DH8 1HG,

or by email to selectivelicensing@durham.gov.uk

This requirement applies to all instances within these licence conditions where there is an obligation to notify, inform, submit, produce or provide documentation to the Council, regardless of how such obligation is expressed.

Licence Conditions

1. Occupancy

1.1 The Licence Holder must ensure that:

- The total number of occupants and/or households does not exceed that stipulated in the licence
- The occupancy of any particular room does not exceed the occupancy limit specified in the licence (if specified)
- Only rooms that listed as having a maximum occupancy of greater than zero may be used as living accommodation

2. Provision of licence to occupiers

2.1 The Licence Holder must provide a written copy of this licence and all licence conditions to all occupants of the property within 14 days of the issuance of the licence.

2.2 The Licence Holder must provide a written copy of this licence and all licence conditions to any new occupants prior to the commencement of any new period of occupation.

3. Gas safety certificate

3.1 If gas is supplied to the property, the Licence Holder must provide annually to the Council a valid CP12 Gas Safety Certificate issued by a Gas Safe registered engineer dated within the last 12 months.

3.2 The Licence Holder must annually provide a copy of each new Gas Safety Certificate to the Council within 14 days of the new certificate being issued.

3.3 The Licence Holder must provide a copy of the Gas Safety Certificate to all new occupants prior to the start of their occupation.

4. Electrical appliances

4.1 The Licence Holder must ensure that all electrical appliances provided at the property are kept in repair, in proper working order and in safe condition.

4.2 A declaration from the Licence Holder regarding the safety of any electrical appliances must be provided to the Council within 14 days of demand.

5. Furniture

5.1 The Licence Holder must ensure that furniture made available in the property is kept in safe condition.

5.2 A declaration as to the safety of all furniture made available in the property must be provided to the Council within 14 days of demand.

6. Electrical installation

6.1 The Licence Holder must ensure that every electrical installation in the house is in proper working order and safe for continued use.

6.2 The Licence Holder must ensure that copies of any reports relating to the testing and inspection of electrical installations undertaken throughout the licence period are retained and provided to the Council within 7 days of demand.

6.3 A declaration from the Licence Holder regarding the safety of any electrical installations must be provided to the Council within 7 days of demand.

7. Smoke alarms

7.1 The Licence Holder must ensure that smoke alarms are installed on each floor of the property on which there is at least one room used wholly or partly for living accommodation.

7.2 The Licence Holder must ensure that every smoke alarm made available in the property is kept in proper working order throughout the full duration of the licence period.

7.3 The Licence Holder must ensure that each alarm is tested at least once every six months for the full duration of any occupancy of the property. Written

records of these tests must be retained for the full duration of the licence period and be provided to the Council within 14 days of demand.

7.4 The Licence Holder must provide the Council with a declaration regarding the conditioning and positioning of each smoke alarm within 14 days of demand.

8. Carbon monoxide alarms

8.1 The Licence Holder must ensure that a carbon monoxide alarm is installed in every room in the house which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker.

8.2 The Licence Holder must ensure that every carbon monoxide alarm made available in the property is kept in proper working order at all times.

8.3 The Licence Holder must ensure that each alarm is tested at least once every six months for the full duration of any occupancy of the property. Written records of these inspections must be retained for the full duration of the licence period and be provided to the Council within 14 days of demand.

8.4 The Licence Holder must provide the Council with a declaration regarding the conditioning and positioning of each carbon monoxide alarm within 14 days of demand.

9. Written statement of terms

9.1 The Licence Holder must ensure that all occupants who were occupying the premises prior to the issuance of this licence have been supplied with a written document incorporating all the terms on which they occupy the property within 14 days of the issuance of this licence.

9.2 The Licence Holder must provide any new occupiers of the house with a written statement of terms on which they occupy it in writing prior to the commencement of any occupancy agreement.

9.3 The Licence Holder must retain the written statements of terms and clear evidence of providing the written statements of terms to all occupants throughout each occupiers' period of occupation and for a minimum of five months after the occupation has ended. The Licence Holder must provide to the Council the written statement of terms on which the property is occupied and evidence of the provision of the written statement of terms to occupants within 14 days of demand.

10. Household waste

10.1 The Licence Holder must comply with any scheme which is provided by the Council which relates to the storage and disposal of household waste at the property pending collection.

- 10.2 The Licence Holder must provide in writing to all existing occupants accurate information regarding the refuse and recycling collection dates and information on what items to put in each recycling and waste container within 14 days of the issuance of this licence. This information must also be provided to any new occupant prior to the commencement of their period of occupation. Evidence of the provision of this information to occupants must be retained for the full period of occupation and for 5 months afterwards and be provided to the Council within 14 days following demand.
- 10.3 The Licence Holder must provide to all existing occupants accurate information regarding bulky waste collections within 14 days of the issuance of this licence. This information must also be provided to any new occupant prior to the commencement of their period of occupation. Evidence of the provision of this information to occupants must be retained for the full period of occupation and for 5 months afterwards and be provided to the Council within 14 days following demand.

11. References

- 11.1 The Licence Holder must demand references from every prospective occupier. The reference must include requests for sufficient information to allow the licence holder or managing agent to make an informed decision regarding the suitability of the proposed tenant.
- 11.2 The Licence Holder must retain proof of demand for a reference. If a reference is provided, the Licence Holder must retain a copy of the reference throughout the period of occupation and for five months afterwards. Both the reference provided and proof of demand of a reference must be provided to the Council within 14 days of demand.

12. Inspections

- 12.1 The Licence Holder must ensure that the living accommodation is thoroughly inspected at least every six months to identify any problems relating to the condition and management of the house. The Licence Holder must ensure that detailed notes from every inspection in the licence period, including but not limited to; any defects identified; the date and time of the inspection; and the individual undertaking the inspection are made and retained throughout the full length of the licence period.
- 12.2 The Licence Holder must provide any inspection notes from any point within the licence period as demanded by the Council within 14 days of demand.

13. Antisocial behaviour provisions

13.1 The Licence Holder must ensure that they comply with the following procedure where they have been made aware of the occurrence of antisocial behaviour on the premises.

This procedure must be provided to occupiers in writing prior to the commencement of their occupancy or within 14 days of an occupancy in existence at the time that the licence was issued. Proof of provision of this must be retained throughout the full length of the individual's period of occupation and for 5 months afterwards and provided to the Council within 14 days of demand.

The Licence Holder must reasonably cooperate with the Council, the Police and any other public agencies in resolving any complaints of antisocial behaviour in regard to the premises.

The Licence Holder must address problems of antisocial behaviour resulting from the occupiers or their visitors by following the procedure set out below:

If a complaint is received, or antisocial behaviour is discovered, the Licence Holder must contact the relevant occupant within 7 days of receiving the complaint. The occupant must be informed in writing of the complaint made against them and of the consequences of its continuation.

The Licence Holder must monitor any allegations of antisocial behaviour for a period of 28 days from the date the complaint was received.

If after 28 days, it is found that any of the antisocial behaviour is continuing, the Licence Holder must visit the premises within 7 days and provide the occupant with a warning letter advising them of the possibility of eviction if the behaviour continues.

If after 14 days of giving a warning letter, the occupant has not taken steps to address the antisocial behaviour and it is continuing, the Licence Holder shall take action, which may include legal eviction proceedings.

The Licence Holder must ensure that written notes are kept of any meetings, telephone conversations or investigations regarding antisocial behaviour for 3 years, and if requested by the Council, provide this information within 28 days on demand.

Any letters relating to antisocial behaviour, sent or received by the Licence Holder must be kept for 3 years by the Licence Holder and if

requested by the Council, provide copies of them within 28 days on demand.

Where the Licence Holder or his agent has reason to believe that the antisocial behaviour involves criminal activity, the Licence Holder shall inform the appropriate authorities within 7 days.

For the purpose of these licence conditions, antisocial behaviour means conduct on the part of occupiers of, or visitors to, residential premises (a) which causes, or is likely to cause, a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises; or (b) which involves or is likely to involve the use of such premises for illegal purposes.

14. Training

14.1 If demanded by the Council, the Licence Holder and manager(s) of the house must receive suitable training within a timeframe specified by the Council on the law and legal requirements relating to managing a property. Unless otherwise specified by the Council, this requirement can be satisfied in one of the following ways:

by completion of the accreditation training of the National Residential Landlords Association (NRLA) and submitting the pass certificates to the Council for confirmation.

by completion of other suitable training on the law and legal requirements relating to managing a property, subject to approval by the Council in advance and subject to submitting a pass certificate or similar document to the Council for confirmation.

Or, if available, by attending a Council approved training course.

15. Tenant's deposit

15.1 The Licence Holder must ensure that any deposit taken is protected by placing it in an authorised tenancy deposit scheme.

15.2 The tenant must be given prescribed information about the scheme in writing prior to the commencement of the tenancy.

15.3 Written records of the deposit taken and scheme used must be retained for the full length of the tenant's occupation and for 5 months following the ending of their tenancy. These records must be provided to the Council within 14 days of demand.

16. 'Fit and proper' person requirements

16.1 The Licence Holder must ensure that any person involved with the management of the house is, to the best of their knowledge, a 'fit and proper person' for the purposes of the Housing Act 2004.

16.2 The Licence Holder must inform the Selective Licensing Team in writing within 14 days of any changes in circumstances as follows:

- Details of any unspent convictions not previously disclosed to the Selective Licensing Team that may be relevant to the licence holder and/or the property manager and their fit and proper person status and in particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- Details of any finding by a court or tribunal against the Licence Holder and / or the manager that he/she has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business.
- Details of any contravention on the part of the Licence Holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her.
- Information about any property the Licence Holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act or has revoked a licence as a consequence of the Licence Holder breaching the conditions of his/her licence.

17. Payment of rent

17.1 No person other than the Licence Holder or the agent named on the licence may collect and receive rental monies from the occupants of the property. The Licence Holder and/or agent may pass on the rental monies to any third parties as required.

17.2 Where rents are collected or received from occupants, the Licence Holder must ensure that the payment is recorded and that the occupants receive a receipt for the payment unless payment of the rent is via bank standing order or direct debit. The Licence Holder must keep a copy of all such records and receipts throughout the full length of the individual's period of occupation and for 5 months afterwards and must provide the Authority with a copy of the same within 14 days of any request to inspect them.

18. Absence

- 18.1 The name and contact details of the Licence Holder and/or manager must be given to each occupier within 14 days of the issuance of the licence and prior to the commencement of any new occupancy.
- 18.2 The Licence Holder is required to have in place suitable emergency, and other management, arrangements in their absence.
- 18.3 If the Licence Holder is no longer a resident in the UK, they must make alternate arrangements and propose a new licence holder. This will require the submission of a new application.

19. Council inspections

- 19.1 The Licence Holder must allow officers of the Council, or an agent acting on behalf of the Council, access to the licensed dwelling for the purpose of carrying out inspections at all reasonable times.
- 19.2 The Licence Holder must complete any identified remedial works in a satisfactory and timely manner as instructed by the Council, or an agent acting on behalf of the Council, within any timeframe specified following an inspection.

20. Pest control

- 20.1 Where the Licence Holder becomes aware of a potential pest problem or infestation at the property, they must take steps to ensure that a treatment program is carried out to ensure that the pest infestation is properly managed.
- 20.2 Records must be kept of such treatment programs throughout the full length of the licence period these must be provided to the Council within 14 days of demand.

21. Duty to Notify the Council

- 21.1 The licence holder shall notify the Council in writing if they have any change of address, contact telephone number and email address from that specified on the licence application form, within 21 days of the change of the relevant details.
- 21.2 The licence holder shall notify the Council in writing of any change in the ownership of the house or any part of it, within 21 days of the change of ownership.