

Driving up Standards for the Private rented sector

Selective Licensing Designation 1 – Final Proposal

19 October 2021

Properties covered by the scheme

1. All properties, let in the private rented sector, that are not included in the mandatory scheme, or included in the proposed additional licensing scheme, will be included in the selective licensing scheme if they are located within the designated area.
2. The wards included in Designation 1 are:

Champion Hill
Newington

Exemptions

3. Exemptions to the proposed selective licensing designation 1 includes:
 - a) properties licensable as an HMOs under mandatory or the proposed additional licensing;
 - b) properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association;
 - c) properties already subject to a management order or empty dwelling management order;
 - d) properties subject to a temporary exemption notice.
 - e) owners who reside in property they own as their main residence (owner-occupiers).
 - f) holiday lets; and tenancies under a long lease and business tenancies.
 - g) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.
 - h) Student accommodation directly managed by educational institutions, e.g. halls of residence.
 - i) properties managed by a charity registered under the Charities Act 2011 and which—
 - a. is a night shelter, or
 - b. consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.

Conditions

4. Licence conditions for the proposed selective licensing scheme (Designation 1) were consulted on. A range of responses were received and subsequent changes to the conditions have taken place as stated below.

Licence Condition Changes in Response to Consultation:
Original Licence Condition Numbers:

1.6, 3.3, 9.2, 11, 14.6, 12 and 13 have been deleted,

1.1, 1.2, 1.7, 1.11, 3.1, 3.2, 4.1, 6.3, 14.2 and 14.3 have been amended

5. The following are standard conditions that will be attached to each licence. The Licence Holder must comply with the following conditions throughout the duration of the licence.
6. There are two types of conditions that can be applied, mandatory conditions must apply as required by Schedule 4 of the Housing Act 2004 and discretionary conditions which the council can set for the management, use, occupation, condition and contents of the HMO.
7. These mandatory conditions are prescribed by Schedule 4 Housing Act 2004 and The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.
8. 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.
9. The following are standard conditions that will be attached to each licence. The Licence Holder must comply with the following conditions throughout the duration of the licence:

1. General

- 1.1 The Licence Holder must ensure that tenants are given a copy of the licence and that any subsequent tenants are given copies of the licence (discretionary condition).
- 1.2 The address of the Licence Holder given on their application form shall be used as the address for the proper service of any letter, notice or other document between the London Borough of Southwark Property Licensing Team and the Licence Holder. It is the Licence Holder's responsibility to ensure that all reasonable steps are taken to collect and act upon any letter, notice or other document sent to that address on a regular basis (discretionary condition).
- 1.3 The Licence Holder must notify the Council of any managing agent that they employ in relation to the property within 14 days of having employed the agent (*discretionary condition*).
- 1.4 No other persons other than the Licence Holder or the named agent (that the Licence Holder has notified to the Council) can collect and receive rental monies from the tenant(s) at this property. These monies can be passed onto any third parties if required (*discretionary condition*).
- 1.5 If the Licence Holder is not the manager of the property it is their responsibility to ensure that the manager complies with all the conditions of the licence (*discretionary condition*).
- 1.6 Every habitable room in the property must have acceptable natural daylight and ventilation. An area of glazing which is equivalent to at least

10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 5% of the internal floor space of each habitable room must be provided (*discretionary condition*).

- 1.7 The Licence Holder is in control of property with an Energy Performance Certificate (EPC) Rating of less than 'E'.

The Licence Holder shall within twelve months of the licence being issued carry out the works detailed on the EPC for the property to improve the energy efficiency of the property to achieve an EPC rating of 'E' or above
OR

within three months of the licence being issued register a valid exemption on the national exemptions register -

Guidance - <https://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions>

Register - <https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before>

Where there is a lack of compliance, enforcement will be under the The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019.

(*discretionary condition*).

- 1.8 Provide, in writing, to the tenants, the name, address and telephone number of the person managing the house.
- 1.9 The Licence Holder shall give a written declaration that they shall provide to each current and future occupant with the name, address and telephone number of the landlord's appointed local out of hours contact, who will respond to emergency situations outside normal business hours, and be able to attend or arrange for a contractor to attend the property to deal with any emergencies within 24 hours of notification. A copy of these details shall be forwarded to the Council on demand.
- 1.10 The Licence Holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy.
- 1.11 The Licence Holder shall not unreasonably cause the supply of water, gas (where provided) and electricity to house to be interrupted, where these supplies is under their control.

2. Gas Safety

- 2.1 If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, on request, at any time. The gas safety certificate must relate to the whole gas installation and include all gas appliances. It must demonstrate that all appliances have been serviced and safety checked

within the previous twelve months. Any defects noted on the certificate must be promptly rectified (*mandatory condition*).

- 2.2 The Licence Holder is required to ensure that any carbon monoxide detector that is installed is kept in working order. The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms (*discretionary condition*).

3. Electrical Safety

- 3.1 The Licence Holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of the electrical installation(s) in the house. Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must, within seven days of inspection, provide the London Borough of Southwark with a copy of such inspection reports. The Licence Holder shall inform the London Borough of Southwark upon completion of such works (*mandatory condition*).
- 3.2 A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the licence holder. PAT tests should be carried out by a competent person every twelve months as often as recommended for the type of appliance with records kept for at least five years. Any necessary maintenance or repair work must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations. Copies of all maintenance records and PAT testing must be provided to the Council on request (*discretionary condition*). Any necessary maintenance or repair work required following a failed PAT test must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations.

4. Furniture

- 4.1 The Licence Holder is required to keep furniture made available by them in the house in a safe condition and must supply the authority, on demand, with a declaration by them as to the safety of such furniture (*mandatory condition*). All upholstered furniture and mattresses supplied by the licence holder shall comply with the requirements of The Furniture and Furnishings (Fire) (Safety) Regulations 1988 and bear the permanent labelling required by the regulations. For guidance see www.businesscompanion.info/en/quick-guides/product-safety/goods-in-rented-accommodation (*discretionary conditions that ensure we are meeting mandatory requirements*).

5. Fire Precautions

- 5.1 The Licence Holder is required to ensure that smoke alarms are installed in the property and are kept in proper working order. The Licence Holder

must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms (*mandatory condition*).

6. Tenancy Matters

- 6.1 The Licence Holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property (*mandatory condition*), details of the arrangements in place to deal with repair issues and emergency issues and a copy of this licence and its conditions. Copies of the written statement of terms must be provided to the Council within 7 days upon demand (*discretionary condition*).
- 6.2 The Licence Holder shall ensure that only they or the named agent (that the Licence Holder has notified to the Council) create new tenancies or licences to occupy this property whilst this licence is in force. Copies of any new written terms of tenancies or licences must be provided to the Council within 28 days upon demand (*discretionary condition*).
- 6.3 The Licence Holder shall not knowingly cause or permit any person who has previously applied for a property licence in respect of the property and has either:
- (a) been found not to be a Fit and Proper person, or
 - (b) been made subject to a Banning Order under the Housing and Planning Act 2016
- to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property (*discretionary condition*).
- 6.4 The Licence Holder shall obtain references from persons who wish to occupy the property, or a part of the property, before entering into any tenancy or licence or other agreement with them to occupy the property (*mandatory condition*). No new occupiers shall be allowed to occupy the property if they are unable to provide suitable references (*discretionary condition*).
- (References should be as a minimum, checks to ensure the tenants identity, whether they have the right to rent a property [see <https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check>], their ability to pay rent and their past tenant history.) The Licence Holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within 28 days on demand.
- 6.5 The Licence Holder shall carry out adequate checks and obtain satisfactory proof that occupiers belong to a single household. Evidence of this must be retained for the duration of licence. This evidence must be provided to the Council within 28 days on demand (*discretionary condition*).
- 6.6 Where the standard local authority waste collection schemes do not suffice, the Licence Holder must arrange for private collections of waste from the property (*discretionary condition*).
- 6.7 The Licence Holder must ensure that any deposit taken under an assured shorthold tenancy is protected by placing it in an authorised tenancy

deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must ensure compliance with the requirements of the scheme and the operation of Part 6 in Chapter 4, Housing Act 2004 within the statutory time limit (currently 30 days). A copy of the prescribed information given must be provided to the Authority within 28 days on demand (*discretionary condition*).

7. Fit and Proper Person

- 7.1 If the Licence Holder becomes aware that they or any other person involved in the management of the property have received a conviction, caution, informal warning or reprimand in respect of any offence as detailed in the Licence application form, they must notify the Council in writing within 14 days of the information coming to their attention (*discretionary condition*).

8. Changes in the use and layout of the Property

- 8.1 No changes must be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent (*discretionary condition*).

9. Council Standards for Licensable Properties

- 9.1 The maximum occupancy for this property is **one household OR two people in two households** (*mandatory condition*).
- 9.2 The terms of these conditions are unique to this property and cannot be applied to any other property (*discretionary condition*).
- 9.3 For the purposes of this licence, any occupier is regarded as one person, regardless of age (*discretionary condition*).

10. Access to Utility Meters

- 10.1 The licence holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the licence holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters (*discretionary condition*).

14. Anti-Social Behaviour (*discretionary conditions*)

- 14.1 The Licence Holder shall take reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the flat/ house and to this end shall:

Report all incidences of anti-social behaviour to the appropriate authority, for example the police or the Council.

- 14.2 Each new tenancy agreement shall include provisions relating to forfeiture of the property in the event of a breach of the tenancy agreement terms in the following circumstances:

"That the tenant or someone living in, or visiting the premises has been guilty of conduct which is, or is likely to cause a nuisance or annoyance to neighbours; or, that a person residing or visiting the premises has been convicted of using the premises, or allowing it to be used for immoral or illegal purposes or has committed an arrestable offence in, or in the locality of the licensed premises."

For the avoidance of doubt conduct causing a nuisance includes noise nuisance.

A further condition shall be added to the tenancy agreement that requires the tenant to obtain written permission to sub-let the property.

The Government have produced a model template for an Assured Shorthold Tenancy which can be found here -

<https://www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy>

- 14.3 Following any complaints or incidents of anti-social behaviour (as defined in Housing Act 2004, Section 57(5)) arising from their property and being caused by their tenants or tenants' visitors the Licence Holder shall investigate and take legal advice where necessary. Depending on the severity of the incident or where there are 2 or more corroborated incidents of ASB the license holder shall either send a written warning to the perpetrator or take formal action to legally evict the tenants.
- 14.4 If the Licence Holder is informed by the Authority, Police or other organisation that any occupiers have entered into a Community Resolution; or have been issued with an Acceptable Behaviour Contract; or a civil injunction has been obtained against the occupiers; or if the occupiers have been prosecuted in relation to ASB, the Licence Holder must either visit the house within 7 days of being notified or ensure that it is visited by the person managing the house. During the visit, the Licence Holder must ensure that the occupiers are provided with a warning letter advising them (amongst other things) that their behaviour is not acceptable, that they are responsible for the conduct of their visitors, the impact on the victims and local community, and of the consequences of its continuation.
- Any letters, emails, legal notices or other documents relating to ASB, which are sent or received by the Licence Holder, or the agent on behalf of the Licence Holder, must be copied and kept for 5 years by the Licence Holder.
- 14.5 Where the Licence Holder has reasonable grounds to suspect that the ASB involves criminal activity the Licence Holder must ensure that the appropriate authorities are informed.

The Licence Holder shall co-operate with the Police and Authority in resolving ASB in any licensed property under their control. Such cooperation includes attending or being represented at any case conferences or multiagency meetings and providing information to the Police or the Authority when requested.

Any correspondence, letters and records kept in accordance with these conditions must be provided by the Licence Holder to the Authority within 28 days on demand.

15. Security (*discretionary conditions*)

15.1 Ensure adequate security arrangements are in place to prevent unauthorised access to the premises. This includes:

- The front door of the dwelling shall be fitted with a 'peekhole' to allow the occupant to view who is at the front door.
- A device shall be fitted to the front door to allow for the door to be opened in a restricted manner to prevent access by unauthorised persons, e.g. a door chain.
- The front (and where provided back doors and French doors) door shall as a minimum be fitted with locks that meet BS3621.
- All windows shall be fitted with suitable window locks and the keys provided to the tenants.

15.2 Where previous occupants have not surrendered door keys, the Licence Holder will arrange for a lock change to be undertaken prior to new occupants moving in.

15.3 Where there are outside spaces within the curtilage of the property, movement operated security lights shall be fixed and mounted providing sufficient light to illuminate the outside spaces.