

### Selective Licence Conditions

In these conditions 'house' refers to the building or part of the building, which is licensed in accordance with Part 3 of the Housing Act 2004. (Or where otherwise stated)

**Reason: Mandatory Licence Conditions (Housing Act 2004, s.90 (4) and Sch.4)**

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| 1. | <p><b>Gas</b></p> <p>If gas is supplied to the house, the Licence Holder must provide Barnsley MBC a gas safety certificate issued within the previous 12 months at the time of application and thereafter annually or on demand.</p> <p><b>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</b></p> <p>This should include all gas appliances provided by the landlord, including central heating, space heating, and cooking appliances. Any heating provision should be able to be exclusively controlled by the tenant.</p>   |
| 2. | <p><b>Electrical Appliances</b></p> <p>The Licence Holder must keep electrical appliances made available by him in the house in a safe condition and must supply the authority, upon request, a declaration by him as to the safety of such appliances.</p> <p><b>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</b></p>  |
| 3. | <p><b>Smoke Alarms</b></p> <p>The Licence Holder must ensure that smoke alarms are installed in the property and must keep them in proper working order and must supply BMBC, upon request, with a declaration by him, as to the condition, positioning, inspection and maintenance records of such alarms.</p> <p><b>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</b></p> <p><a href="https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords">https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords</a></p> |
| 4. | <p><b>Furniture and Furnishings</b></p> <p>The Licence Holder must ensure that furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended 1989 and 1993). Where the property is let furnished the Licence Holder must provide insurance certification to ensure that these items can be replaced in the event of damage and must provide a declaration as to their safety at the time of application and thereafter on demand.</p>  |

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|   | <b>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</b>  |
| 5.  | <p><b>Carbon Monoxide Alarms</b></p> <p>The Licence Holder must ensure that a carbon monoxide alarm is installed in any room which is used wholly or partly as living accommodation and contains a solid fuel combustion appliance. A declaration as to the position of such alarms must be supplied to the Council on demand. Note: Room includes a hall or landing. A bathroom or lavatory is to be treated as a room used for living accommodation. The Licence Holder must ensure that carbon monoxide alarms are kept in proper working order. A declaration as to the proper working order of such alarms must be supplied to the Council on demand.</p> <p><b>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</b></p> <p><a href="https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords">https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords</a></p> |
| 6.  | <p><b>Tenant References</b></p> <p>The Licence Holder must obtain references from all persons who wish to occupy the house. The Licence Holder must provide a copy of the said pre-let references upon demand to the council.</p> <p><b>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</b></p>   |
| 7.  | <p><b>Terms of Occupation</b></p> <p>The Licence Holder must provide each Occupier (18 or over) of the house with a written statement of the terms on which they occupy the property. A guide of the terms can be found on the Department for Communities and Local Government website (DCLG).</p> <p><b>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.</b></p> <p><a href="https://www.gov.uk/government/publications/how-to-rent/how-to-rent-the-checklist-for-renting-in-england">https://www.gov.uk/government/publications/how-to-rent/how-to-rent-the-checklist-for-renting-in-england</a></p>  |
| <p><b>Additional Conditions of Licence imposed by Barnsley Council.</b></p> <p><b>The Licence Holder must ensure that they are fully compliant with the conditions set out below unless otherwise notified by the Barnsley Council.</b></p> |  |
|   | <b>Electrical System/Appliances.</b>   |

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| 8. | <p><b>The Licence Holder must ensure that:-</b></p> <ul style="list-style-type: none"> <li>i. A recent inspection of the electrical installation of the premises has been carried out and that a Periodic Inspection Report (PIR), completed by a suitably qualified electrical contractor who is a member of one of the government approved schemes i.e. NICEIC, NAPIT, ECA, ELECSA or BRE, is produced to the Council. This report must be no more than 5 years old and must be supplied to the Council within the first twelve months of the licence.</li> <li>ii. That the property is covered by a valid Periodic Inspection Report (PIR), throughout the period of the licence. Where the report expires during the term of the licence, an up to date report must be provided to Council within 28 days of the expiry date.</li> <li>iii. Any works specified on the (PIR) making the installation unsatisfactory are to be completed within 28 days following the date of the report. Upon completion, Barnsley MBC should be informed.</li> <li>iv. Where the (PIR) specifies the installation to be satisfactory, but lists other remedial work to be undertaken, such works are to be completed within 12 months of the date of the report and Barnsley MBC are to informed upon completion.</li> <li>v. Where the property is rented on a furnished basis which includes electrical appliances, a portable appliance test (PAT) certificate is produced to Barnsley Council for their inspection within 12 months of the licence period or upon termination of the current tenancy.</li> </ul> <p><b>Reason: To ensure the safety of tenants and persons visiting the premises.</b></p> |
| 9. | <p><b>Fire Safety</b></p> <p><b>The Licence Holder must ensure that:-</b></p> <p>Where the property is a single family house, either hard wired or 10 year battery operated smoke alarms are installed in suitable locations and are kept in proper working order at all times.</p> <p>Where the property is a house in multiple occupation (HMO), The fire detection system is compliant with Lacors approved standards for HMO's according to the type of property offered. The Licence holder must also produce a Fire detection and Alarm System certificate annually to Barnsley MBC (in accordance with B5839), ensuring records of tests are available on request. Ensure a fire evacuation plan detailing means of escape is displayed and written advice is provided to occupants at the time of signing each tenancy agreement.</p> <p><b>Reason: To ensure the health safety and welfare of the occupants and persons visiting the property.</b></p>   |

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| 10. | <p><b>Terms of Occupation</b></p> <p><b>The Licence holder must:-</b></p> <p>Provide any existing and future tenants with a written tenancy agreement, confirming the terms on which they occupy the property, including details of reporting nuisance and anti- social behaviour.</p> <p>To ensure any tenancy agreement used as far as practicable, to be free from unfair terms and complies with legislative requirements.</p> <p>Ensure the tenancy agreement is complete with full names and dates of birth of all occupants. To include a clause stating ‘Upon request from the local authority (BMBC), the occupiers names and date of birth can be released to assist with enquiries relating to illegal activities and/ or anti- social behaviour.’</p> <p>Provide the tenants of a single household with a copy of the licence certificate and licence conditions which are in force.</p> <p>Where the property is a HMO, display at all times whilst in force, a copy of the licence certificate and licence conditions in a prominent position inside the house where all occupiers will be able to view the said documents.</p> <p>If providing utilities to the property, set reasonable market rates for all utility supplies.</p> <p>Undertake a detailed inventory in agreement with each occupant upon commencement of their occupation of the house. The inventory must be initialled on all pages by both parties and signed and dated by them on the last page.</p> <p>All terms and conditions of occupancy must be made available in a language /form they can understand.</p> <p>Ensure that only rooms available for sleeping are being used for the same and undertake an internal inspection of the property at least once every six months. Ensure that the property does not become overcrowded in accordance with self-certification of room sizes.</p> <p>Where one month’s rental payment has been missed and no contact has been offered; a visit must be made to the property the following month. Where the property is found to be abandoned- secure the property and inform BMBC. Ensure a notice is attached to the front of the property with the landlords / managing agents contact details.</p> <p>Not to discriminate against prospective tenants/ occupiers of the house on the grounds of age, disability, gender re- assignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.</p> <p>In the event that rooms are being shared by single persons. Consideration must</p> |
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|     | <p>be given to prohibit the sharing of persons with different faiths and/or Ethnicities.</p> <p>To ensure an emergency contact number and management arrangements in place for occupiers of the property, displayed in a prominent place, in the event of the Licence Holders absence.</p> <p><b>Reason: To safeguard health and wellbeing and ensure sustainable tenancies.</b></p> <p>From October 2015 Landlords must provide the following information to tenants wishing to rent.</p> <p><a href="https://www.gov.uk/government/publications/how-to-rent">https://www.gov.uk/government/publications/how-to-rent</a></p>   |
| 11. | <p><b>Property Repairs</b></p> <p><b>The Licence Holder must:-</b></p> <p>Occupants of the house receive written confirmation detailing the arrangements and contact numbers in place to deal with repair issues and emergencies, should they arise.</p> <p>To ensure all repairs are carried out by competent persons and within a reasonable time frame. Where those repairs evidence a category 1 hazard. Work must be undertaken immediately or supplementary provision put in place to ensure the mitigation of the hazard to an acceptable level within 24 hours.</p> <p>Water supply and drainage system serving the property to be maintained in good, clean working order</p> <p>The Gas or Electricity supply to the property is not unreasonably interrupted.</p> <p>Any windowsill that is at floor level, access to lofts or balconies- ensure that bars or other such safeguards are fitted to protect occupants from falling. See Building Regulations Approved documents Part K, (4) Glass and Glazing.</p> <p><a href="http://webarchive.nationalarchives.gov.uk/20151113141044/http://www.planningportal.gov.uk/uploads/br/br_pdf_ad_k_2013.pdf">http://webarchive.nationalarchives.gov.uk/20151113141044/http://www.planningportal.gov.uk/uploads/br/br_pdf_ad_k_2013.pdf</a></p> <p>All common parts and fixtures are maintained and in safe condition including handrails, windows, stair coverings, fixtures, fittings and appliances.</p> <p>Where any works are to be carried out to the house, the appropriate consent from Building control at BMBC is obtained and tenants advised prior to works commencing. Where major work is to be carried out to the property, alternative</p> |

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|     | <p>accommodation must be provided for the period during which the work is being carried out. All work to be carried out in accordance with Building Regulations Approved Documents 2010.</p> <p>User manuals or copies are to be provided to the tenant for any equipment which is for the exclusive use of the tenancy.</p> <p><b>Reason: To ensure the safety, health and wellbeing of the occupants.</b></p> <p>Follow the link for information relating to retaliatory eviction for requests to carry out repairs from tenants.</p> <p><a href="http://www.legislation.gov.uk/ukpga/1988/50/schedule/2">http://www.legislation.gov.uk/ukpga/1988/50/schedule/2</a></p>  |
| 12. | <p><b>Energy Efficiency</b></p> <p>The Licence holder is required upon request by BMBC to provide a copy of an up to date Energy Performance Certificate (EPC). This should be in place prior to the start of tenancy and a copy provided to the incoming tenant. From the 1<sup>st</sup> April 2018. All new lets and renewals will be required to have an EPC with a minimum rating of E on an EPC.</p> <p>Information can be sought from the Housing and Energy team and Better Homes Barnsley.</p> <p><b>Reason: To safeguard the health and wellbeing of the occupants with regard to the reduction of fuel poverty and national energy efficiency measures.</b></p>   |
| 13. | <p><b>Number of Occupiers</b></p> <p><b>The Licence Holder must ensure that:-</b></p> <p>The number of person residing in the property at any one time shall not exceed the maximum number of occupants stated on the licence.</p> <p>The use and level of occupancy of each unit of accommodation is not changed without prior written approval by BMBC.</p> <p>Rooms other than bedrooms are not used for sleeping purposes. The standard meaning of 'bedroom' applies in accordance with HHSRS and national guidelines.</p> <p>The House is not overcrowded. If the licence holder becomes aware of overcrowding at the property, they must take all reasonable steps to deal with the issue and advise the authority of any actions taken.</p> <p><b>Reason: To comply with space standards (Housing Act 1985 &amp; Management of Houses in Multiple Occupation 2006) to safeguard the wellbeing of occupants, persons visiting the premises and persons in the immediate locality.</b></p> |

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| 14. | <p><b>External Areas.</b></p> <p><b>The Licence Holder must ensure that:-</b></p> <p>The exterior of the house is maintained in a reasonable repair.</p> <p>All outbuilding, yards, forecourts and gardens surrounding the house are maintained, in repair and kept clean, tidy and free from infestations.</p> <p>At the beginning of each letting, the garden and external areas of the property must be free of refuse, litter and excess vegetation.</p> <p>The rear boundary and boundary treatments are designed, constructed and maintained to offer of the property security and a deterrent for fly tipping. Where appropriate the tenants are given keys or combinations to any locking mechanism used to secure the rear of the property and curtilage.</p> <p><b>Reason: To ensure the safety of persons occupying the property and any person visiting the property. To actively prevent intruders and to ensure the domestic hygiene and condition of the property are maintained in accordance with licence conditions. Finally, to reduce the risks of Anti- social behaviour being perpetrated against the property.</b></p>   |
| 15. | <p><b>Refuse and Waste</b></p> <p><b>The Licence Holder must ensure that:-</b></p> <p>Suitable and adequate refuse receptacles are to be provided for the sole use of the occupants in accordance with BMBC refuse collection policy. To include adequate recycling boxes for the numbers of persons habiting the property.</p> <p>At the start of each new tenancy, all occupiers are advised of the current collection process and usual day of collection in a language / form they understand. This must include how to present their waste and their duty to collect receptacles to within the curtilage of the property after collection.</p> <p>The Licence holder must retain a copy of the information signed by the tenant to acknowledge receipt and produce this on request to the authority. Note: Copies of refuse collection, bulky and large items collections can be obtained in several languages from :</p> <p><b>Reason: To ensure the gardens and areas around the property are free from harbourage provided for infestations to occur; and to ensure welfare and safety of occupier or those visiting the property.</b></p> <p><a href="https://www.barnsley.gov.uk/services/bins-rubbish-and-recycling/">https://www.barnsley.gov.uk/services/bins-rubbish-and-recycling/</a></p> |

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| 16. | <p><b>Management of Anti- social behaviour</b></p> <p><b>The Licence Holder must take all reasonable and practical steps for preventing and dealing effectively with anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.</b></p> <p><b>The Licence Holder must:</b></p> <p>Obtain valid pre-let references for persons wishing to occupy the house. References should include details of previous occupier history including conduct of the tenancy. Credit references in isolation are not adequate. And provide an accurate reference relating to existing or past tenants.</p> <p>To respond within reasonable timeframes to reference requests and provide an honest and accurate reference relating to existing or past tenants.</p> <p>Ensure that all written statement of terms and conditions on which the house is occupied includes a cause holding the occupants responsible for any antisocial behaviour by themselves and/or their visitors. <b><i>The Licence Holder must ensure that all occupants are aware of the existence of this clause by advising them upon taking up residence and initialling the tenancy agreement.</i></b></p> <p>Undertake an investigations of any complaints which have been made either directly to them, or via the Local Authority, regarding alleged actions of their occupiers or their visitors, which is likely to cause alarm, distress, nuisance or annoyance to other occupiers of the house, to anyone visiting or persons using any communal areas, including persons residing in, visiting or working in the locality of the house.</p> <p>Cooperate with Barnsley MBC, the police or any other agency involved with investigation of antisocial behaviour relating to the property or tenants of the property. This may include providing supporting information or evidence to remedy the anti- social behaviour.</p> <p><b>Reason: To reduce the risk of incidences directly or indirectly affecting occupants of the property or within the immediate locality of exposure to Anti-social behaviour.</b></p> <p><a href="#">Housing Act 1988, Grounds 13 or 14 of Schedule 2.</a></p> <p><a href="https://www.gov.uk/government/publications/how-to-rent/how-to-rent-the-checklist-for-renting-in-england">https://www.gov.uk/government/publications/how-to-rent/how-to-rent-the-checklist-for-renting-in-england</a></p> |
| 17. | <p><b>Notification 'Fit and Proper Person'</b></p> <p><b>The Licence Holder or managing agent/s must disclose on application and inform Barnsley MBC within 10 working days of any changes in their circumstances as follows:</b></p>  |

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|  | <ul style="list-style-type: none"> <li>▪ Give details of any unspent convictions not previously disclosed to Barnsley Council that may be relevant to the Licence Holders and or property manager status. In particular such convictions in respect to any offence involving fraud, dishonesty, violence, drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;</li> <li>▪ Under the Counter Terrorism and Security Act 2015 the Landlord / Owner has a duty to have due regard to the need to prevent tenants from being drawn into terrorism or entering into any suspected acts thereof at this tenancy whilst occupying the property. The Landlord /Owner will be required to take appropriate measures in relation to their tenants to assist with this duty to the extent that any suspected incident or occurrence is brought to the attention of the Police.</li> <li>▪ Details of any finding by a court or tribunal against the licence holder or manager, that he / she has practiced unlawful discrimination on the grounds of sex, colour, race ethnic or national origin or disability in, or in connection with carrying out the aforementioned business.</li> <li>▪ 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 tenant law which led to civil or criminal proceeding resulting in a judgement or finding being made against him/her;</li> <li>▪ Information about any property the Licence Holder or manager owns or manages or has owned or managed for which the Local Authority has refused to grant a licence under Parts 2 or 3 of the Act, or has revoked a licence in consequence of the Licence Holder breaching the conditions of his/ her licence;</li> <li>▪ Information about the property the Licence Holder or 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 or other enforcement action appropriate as described in section 5 (2) of the Act;</li> <li>▪ Notification of possession/foreclosure.</li> <li>▪ Successful claims against the Licence Holder for default of tenancy deposits.</li> <li>▪ The property becoming empty.</li> <li>▪ Advertising the property for sale or taking steps to sell</li> <li>▪ Advising the local authority of any works, flood, fire or disaster which renders the tenants temporarily homeless.</li> <li>▪ Change of managing agent or instruction of a managing agent.</li> <li>▪ Change of address of Licence Holder or Landlord.</li> </ul> <p><b>Reason: To safeguard the health safety and wellbeing of the occupiers in the event of changes during the period of the licence.</b></p> |
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| 18. | <p><b>Compliance and Cooperation with the Authority</b></p> <p><b>The Licence Holder must :</b></p> <p>Allow officers of this authority, upon production of identification, to access the house for the purposes of carrying out inspections of the house at all reasonable times. Council Officers will give the Licence holder 24 hour notice of these checks.</p> <p>Cooperate with Council staff in circumstances where complaints of alleged breaches of the licence conditions have been made in respect of the licenced property.</p> <p>Ensure all monies in respect of the licence fee are paid to the Council by the required due date.</p> <p><b>Reason: To ensure the property complies with the Housing Act 2004 and licensing conditions.</b></p> |
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