



Property Licence Conditions

Property Address: EXAMPLE DESIGNATION 1 SELECTIVE LICENCE

Selective Property

1: Permitted Occupation

The Licence Holder must not allow a new resident to occupy the house or any part of the house if that occupation:

- a) Exceeds the maximum permitted number of people for the house as detailed in the schedule of permitted numbers.
- b) Exceeds one household (or two individuals sharing).

A new resident means a person who was not an occupier of the house and/or the specific room at the date of the issue of the licence.

Please note:

- 1. Maximum permitted persons stated is regardless of age unless specified.
- 2. Maximum permitted number of households is one (or two individuals sharing).
- 3. Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5m is not to be taken into account in determining the floor area of that room.
- 4. If the property is found to be overcrowded prior to the licence being issued, the licence will be issued for the permitted numbers of occupants and an enforcement notice may be served.

Room Sizes

Room's floor space (m ²)	Maximum number of people allowed
4.6 – 6.5 m ²	One child under the age of 10 years
6.5 – 8.4 m ²	One child
8.4 – 10.2 m ²	One adult and one child under 10 years, or two children
10.2 m ² and over	Two adults

2: Tenancy Management

2.1 The licence holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property and details of the arrangements in place to deal with repair and emergency issues, and a copy of this licence and its conditions. Copies of the written statement of terms must be provided to the London Borough of Barking and Dagenham Council (the council) for inspection within seven days upon demand.

2.2 Checks must be carried out to confirm the tenants identity, and whether they have the right to rent a property (see [Checking your tenant's right to rent: Who you have to check - GOV.UK \(www.gov.uk\)](http://www.gov.uk)).

2.3 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 upon demand.

Good references will mitigate the likelihood of the occupants causing anti-social behaviour within the area.

In the case of verbal references, the licence-holder must make a written record of the reference including the date obtained and their name, address and telephone number of the person providing the reference. The licence holder shall retain all references for the duration of the licence and provide a copy to the council within 28 days of receiving a written demand. This condition applies to any agreement made on or after the licence is granted.

2.4 The licence holder shall carry out checks at the start of each tenancy and in each periodic inspection to ensure that occupiers belong to a single household. If they find a tenant has allowed members of a separate household to move in the licence holder must take action to return the property to single household use.

2.5 The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in a statutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used within 30 days. This information must be provided to the Council within 28 days upon demand.

2.5.1 The licence holder shall make fit for purpose tenancy management arrangements to ensure a prompt response to disrepair issues, to prevent or reduce anti-social behaviour by people occupying or visiting the property, and to ensure tenants occupy the property in a 'tenant-like manner'. Evidence of these management arrangements must be provided to the council within 28 days upon demand.

2.5.2 The Licence Holder shall provide all the following tenancy management information to the tenants in writing

- a) Details of an emergency 24hr contact number (including out of hours response arrangements).
- b) Details of arrangements for the disposal of rubbish and bulky waste
- c) Notification that inspections will be carried out for management and repair issues
- d) Rent receipts provided within 7 days of payment, where rent is not paid by bank transfer.
- e) Advice on how to heat and ventilate the property to reduce the likelihood of condensation mould.

Copies of these documents and when they were given to the tenants should be kept and must be provided to the council within 28 days upon demand.

2.6 The licence holder shall effectively and promptly address problems of antisocial behaviour resulting from the conduct on the part of occupiers of, or visitors to the premises by complying with the requirements of paragraphs (a) to (i) below (if the Licence Holder has an agent, it is still the licence holder's responsibility to ensure their agent acts on their behalf in compliance of the conditions):

For the purpose of these conditions, anti-social behaviour is defined as behaviour by the occupants of the house and/or their visitors, which causes a nuisance or annoyance to other occupants of the house, to lawful visitors to the house or to persons residing in or lawfully visiting the locality of the house.

- a) If the Licence Holder receives a complaint from any person or organisation (including the Council) regarding antisocial behaviour involving the occupiers of or visitors to the property, the Licence Holder must ensure that the occupiers are contacted within 7 days of receiving the complaint. The Licence Holder must ensure that the occupiers are informed in writing of the allegations of the ASB and of the consequences of its continuation. Any letters, relating to antisocial behaviour, sent, or received by the licence holder, or agent of the licence holder, must be kept for 3 years by the licence holder.
- b) The licence holder must make sure that written notes are kept of any meetings or telephone conversations or investigations regarding antisocial behaviour for 3 years.
- c) The licence holder should monitor any allegations of antisocial behaviour from the date they are informed.

Where the antisocial behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must visit the premises within 7 days and

provide the tenant with a warning letter advising them that their behaviour is not acceptable, that they are responsible for the conduct of their visitors, the impact on the victims and local community, the consequences of its continuation, and of the possibility of eviction if the behaviour continues.

- d) Where the licence holder or his agent has reason to believe that the antisocial behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed.

If after 14 days of receiving a written Community Protection Warning the tenant is continuing with antisocial behaviour, the licence holder shall take formal steps under the written statement of terms for occupation, e.g. the tenancy agreement, which shall include promptly commencing legal eviction proceedings to address the anti- social behaviour. The Licence Holder shall co-operate with the Police and Council in resolving ASB in any licensed property under their control. Such co-operation 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 referred to in condition 2.6 above must be provided to the council within 28 days on demand.

3: Property Management

3.1 The licence holder shall make sure that if they are informed, in writing, by email or other form of communication, of a complaint of disrepair or a pest infestation in the property, from the occupiers or the Council, they take action to investigate the disrepair and/or infestation within 14 days and remedy in a reasonable timescale.

3.2 The Licence Holder must keep all copies of documents about any complaints and responses for 5 years. These documents must be provided by the licence holder to the Council within 28 days on demand.

3.3 The licence holder must make sure that any repairs, improvement works or treatments at the property are carried out by a competent person/people, and that that person has public liability insurance, whether that person is employed directly by the licence holder or by an agent/employee of the licence holder. The Licence Holder must keep all copies of documents, receipts, invoices, schedules of works for 5 years and must be provided to the council within 28 days upon demand.

3.4 The licence holder shall not 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.

3.5 Licence holders who have been found to be evading their licensing responsibilities or are suspected of misconduct in relation to the management of their properties, may be required to provide a basic disclosure and barring service check at their own cost. A copy of the basic disclosure and barring service check must be provided to the Council within 28 days upon demand.

3.6 If gas is supplied at the property, the Licence Holder shall take all reasonably practicable steps to ensure that all gas installations and appliances are in a safe condition.

The Licence Holder must keep a current valid gas safety certificate obtained within the last 12 months by a Gas Safe registered Engineer or, if the boiler was installed less than 12 months ago, a Gas Safe Installation Certificate. A copy must be provided to the Council within 28 days on demand. Copies of this certificate must also be provided to all occupiers at the start of their occupation.

3.7 The licence holder must take all reasonably practicable steps to make sure that the electrical installation at the property is in a safe condition. The licence holder must obtain a 'satisfactory' electrical installation condition report (EICR), (or an Electrical Installation Certificate (EIC) if there has been a full rewire or it is a new build property) and provide a copy to the council within 28 days upon demand. The EICR (or EIC) must be produced by a competent person who is appropriately qualified to prepare this report. If the person issuing the EICR (or EIC) is not properly registered with the Electrical Contractors Association (ECA), National Inspection Council for Electrical Installation Contracting (NICEIC), ELECSA, NAPIT or Registered Competent Person Scheme (www.electricalcompetentperson.co.uk), the licence holder must also provide written evidence that the electrician has the necessary qualification/s, skills and experience to issue the condition report within 28 days upon demand. (PLEASE NOTE: The Council will not contact the electrician on your behalf).

3.8 The Licence Holder shall, keep all electrical appliances made available by him in the house in a safe condition. The Licence Holder must supply to the Council, on demand, a declaration by him as to the safety of such appliances within 28 days of a request being made by the Council.

3.9 The licence holder must provide the tenants with approved and adequate storage containers for refuse and recycling. The Licence Holder must ensure that there are suitable and appropriate receptacles for the storage of household refuse and recycling between collections, so that bags or loose refuse and recycling are not stored outside the property.

3.10 The licence holder shall inspect the gardens and yards are carried out at least every six (6) months to make sure they are not an eyesore, and that they are free from waste which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities, other than waste stored in appropriate receptacles for the storage of household refuse and recycling. If issues are found action must be taken within 14 days. Details of actions taken must be provided in writing to the council within 28 days upon demand.

3.11 The licence holder shall make sure that waste such as old furniture, bedding, mattresses, rubbish or refuse from the property is not left outside the property or in its vicinity. If the licence holder is informed, in writing, by email or other form of communication, from the occupiers or the Council of waste outside the property, they shall:

- 1) If appropriate write a warning letter to the occupiers within 7 days informing them of the permitted means of disposing of waste.
- 2) If the tenants fail to remove the items take action to clear the refuse within 7 days.
- 3) Details of action taken must be provided in writing to the Council within 14 days upon demand.

3.12 The Licence Holder must give new occupiers of the property within 7 days of the start of their occupation, the following information on Waste and Recycling, in writing:

- a) The collection days for the refuse and recycling bins for the property: [Check your bin collection days | London Borough of Barking and Dagenham \(lbbd.gov.uk\)](#)
- b) Details on what they can and can't put in each bin, including what can be recycled: [What goes in each bin | London Borough of Barking and Dagenham \(lbbd.gov.uk\)](#)
- c) How they can dispose of bulky waste: [Book a bulky waste collection | London Borough of Barking and Dagenham \(lbbd.gov.uk\)](#)
- d) General waste guidance from the council's website: [Rubbish & Recycling | London Borough of Barking and Dagenham \(lbbd.gov.uk\)](#)
- e) Instructions that no refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose.

A copy of the information provided to the occupiers must be kept for five years and provided to the Council within 28 days upon demand.

3.13 Where the licence holder becomes aware of a pest problem or infestation at the property he shall take steps within 7 days, to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programmes, and these must be provided to the Council within 28 days upon demand.

3.14 The licence holder shall install and maintain in good working order appropriate smoke alarms in the property and shall submit to the council, upon request, a declaration by him as to the condition and positioning of such alarms.

- a) The licence holder shall make sure 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 (A bathroom or lavatory is to be treated as a room used as living accommodation).
- b) The licence holder shall make sure each smoke alarm installed in any room in the house shall be kept in proper working order and is replaced over time according to manufacturer's instructions.
- c) The licence holder should submit to the Council, within 28 days of demand, a declaration by him as to the condition and positioning of any such smoke alarm.
- d) The licence holder shall make sure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a fixed combustion appliance (excluding gas cookers). ("Room" includes a hall or landing. A bathroom or lavatory is to be treated as a room used as living accommodation).
- e) The licence holder shall make sure any carbon monoxide alarm installed in any room in the house shall be kept in proper working order and is replaced over time according to manufacturer's instructions.

- f) The licence holder must supply the authority, within 28 day of demand, a declaration by him as to the condition and positioning of any such carbon monoxide alarm.

3.15 The licence holder shall make sure that furniture made available 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 Council within 28 days upon demand.

3.16 The licence holder shall make sure that inspections of the property are carried out at least every six (6) months to identify any problems relating to the condition and management of the property. The records of such inspections should be kept for the duration of this licence. As a minimum requirement 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 council within 28 days upon demand.

3.17 The licence holder shall carry out checks every six (6) months to make sure that the Assured Shorthold Tenancy named tenants are still residing at the property and that the maximum occupant numbers are not exceeded, nor that other unnamed occupants have taken up residence.

4: Documents to be Displayed

4.1 The licence holder must display a copy of the licence including these conditions in a place inside the property so it is easily visible to the occupants, or provide a copy to all tenants/occupiers at the start of their tenancy.

4.2 The licence holder must display a notice with the name, address and emergency contact number of the licence holder or managing agent in the property or provide a copy to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days upon demand.

4.3 The licence holder must display a copy of the current gas safety certificate in the property or provide a copy to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days upon demand.

4.4 If there have been new tenancies issued after 1st October 2008 for the premises, the licence holder must obtain a valid Energy Performance Certificate (EPC). Copies must be/have been made available to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days upon demand.

5: Financial Management

5.1 The Licence Holder must not allow any other person other than any the agent named on this licence to collect and receive rental monies from the occupants of the property. The licence holder and/or named agent may pass on the rental monies to any third parties as required.

5.2 Where rents are collected or received from occupants, the licence holder must make sure that the payment is recorded and that the occupants receive a receipt for the payment, unless the occupant is an assured shorthold tenant and pays their rent via bank standing order or direct debit. The licence holder must keep a copy of all records and receipts and must provide the council with a copy of the same within 28 days of any request to inspect them.

5.3 In accordance with the need to demonstrate good financial management, any outstanding enforcement penalties issued by the Private Sector Housing Team must have been cleared in full. Where a landlord is the liable person for Council Tax, or for leasehold service charges to the council, the account for the property requiring a licence must be up to date or a sufficient arrangement in place.

6: General

6.1 The licence holder shall inform the Council in writing within 28 days of any of the following:

Change in ownership or management of the house

Any proposed changes to the construction or layout that would affect the licence or licence conditions; and

Any changes to their circumstances which could affect their “fit and proper” person status i.e., any cautions or convictions for any offence involving fraud or other dishonesty, violence, drugs, discrimination, or breach of housing or landlord / tenant law

A change of property manager

A change of address of the Licence Holder or property manager

Any application to planning for “change of use” of the property or part of such as: Use Class C3 (single dwelling) to Use Class C4 (small HMO) or from C3 to use class Sui Generis (large HMO) and to provide a copy of planning consent and, if applicable, building regulation certificates if approved

6.2 The licence holder must arrange for access to be granted at any reasonable time and must not obstruct council officers carrying out their statutory duties including the surveying of the property to make sure compliance with licence conditions and any relevant legislation.

6.3 The licence holder shall if required by written notice provide the council with the names of all adult occupiers (regardless of whether they are the named AST tenant or not) and numbers of children in occupation. The particulars shall be provided to the Council within 28 days upon demand.

6.5 The licence holder shall make sure that whilst any alteration or construction works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the premises.

6.6 The licence holder shall make sure that on completion of any works, the property shall be left in a clean, tidy condition and free from builders' debris.

7: Licence Limitations

7.1 LICENCE TRANSFER - This licence can NOT be transferred to another person, organisation or property.

7.2 COMPANIES AND PARTNERSHIPS - If the Licence Holder is a company or partnership and it is dissolved while the licence is in force, the licence ceases to be in force on the date of dissolution.

7.3 LICENCE HOLDER RESPONSIBILITY - Please note, the legal responsibility for compliance with the conditions of this licence remains with the Licence Holder, even if there is an agent or other entity involved with the management or other involvement of the property.

If the property is sold, then the licence holder should contact the Council to request the licence to be revoked and they should inform any new owner about this licence and their property licence obligations.

8: Other Statutory and Legal Requirements

8.1 PLANNING PERMISSION - This licence does **NOT** grant any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise. If the property is being used as a House in Multiple Occupation (HMO) this may constitute a breach of planning control and you should check the Council's website to make sure the correct planning permissions are in place. This licence does not offer any protection against enforcement action taken by the Planning Department. If you are unclear on the matters outlined above, you should seek professional planning advice.

8.2 BUILDING CONTROL- This licence does **NOT** grant any Building Control (Development Control) approvals, consents or permissions, retrospectively or otherwise. This licence does not offer any protection or excuse against enforcement action taken by the Building Control (Development Control) Department.

8.3 PROPERTY CONDITION - This licence is **NOT** evidence that the property is safe or free from hazards and defects. The licence does not offer any protection against criminal or civil legal action being taken against the licence holder, or anyone else with an interest in the property, in respect of any hazards, nuisances or any other problems discovered in relation to the condition of the property.

8.4 CONSUMER RIGHTS & UNFAIR PRACTICES - The licence holder's attention is drawn to Office of Fair Trading's (OFT) guidance on unfair contracts in relation to their tenancies or licences. The licence holder must negotiate its agreements in good faith and must not carry out misleading or aggressive commercial practices. Full information should be supplied to any prospective occupier including details of this licence. Further advice can be found here: www.gov.uk/government/publications/unfair-contract-terms-cma37 and www.gov.uk/government/publications/unfair-terms-in-tenancy-agreements--2.

8.5 It is not the responsibility of the Council's Property Licensing Team to ensure the licence holder has complied with the above statutory requirements. If you are unclear on any of the matters outlined above, you should seek professional advice.

PROSECUTION/ CONTRAVENTIONS CONSEQUENCES - Please note that any prosecutions or enforcement action or legal action taken against the licence holder, or anyone associated with licence holder, or the management of the property, may affect the licence holder's 'fit and proper' status. The Council can revoke or vary the licence at any time, giving proper statutory notice.

WARNING

PENALTY FOR BREACH OF LICENCE CONDITIONS

Failure to comply with any licence condition may result in either a civil penalty notice of up to £30,000 or a prosecution in Court where the fine is unlimited .