

Selective Licensing conditions

The Housing Act 2004 requires licences to include certain conditions. Some of these conditions are required by schedule 4 of the act and others can be applied at the discretion of the council. Table 1 lists the conditions required by Schedule 4 which will be applied to all licences issued under the proposed scheme

Table 1 – Mandatory Conditions

	Mandatory Condition
1	Produce a Gas safety certificate for the property every 12 months
2	Keep electrical appliances safe and supply declaration on demand and, ensure the electrical installation is in safe condition and supply report on demand
3	Keep furniture safe and supply declaration on demand
4	Install smoke alarm on each storey used wholly or partly as living accommodation and keep in proper working order and supply declaration on demand
5	Install CO alarm in any room in the house which is used wholly or partly as living accommodation and keep in proper working order and contains fuel burning appliance, keep alarm in proper working order and supply declaration on demand
6	Supply occupants with written statement of terms of occupation
7	Demand references from persons who wish to occupy the house

Discretionary “standard” conditions

In relation to selective licences, the Housing Act s90(1) permits the authority to include conditions as considered appropriate to regulate the management, use and occupation of the house. These conditions may relate to: restrictions or prohibitions on parts of the house and taking reasonable and practicable steps in relation to anti-social behaviour (ASB).

In order to understand the common conditions considered appropriate to regulate the management, use and occupation of properties under selective licensing schemes a research exercise was undertaken; including;

- National “best practice” guides were consulted to establish management practices that are nationally recognised
 - “How to let” guide published by the Ministry for Communities, Housing and Local Governmentⁱ
 - “Landlord and tenant rights and responsibilities in the private rented sector” published by the Ministry for Communities, Housing and Local Governmentⁱⁱ
 - “Private Rented Sector Code of Practice” published by Royal Institute of Chartered Surveyors, in conjunction with fifteen letting industry bodiesⁱⁱⁱ
 - “Code of Practice” for National Residential Landlord Association members^{iv};
- Other authorities’ selective licence conditions to establish what existing schemes already consider to be “standard” for selective licences.

Having analysed the information, Table 2 summarises the proposed conditions to include, together with reasons for inclusion, whether it is considered “best proactive” and percentage of other local authorities who include similar conditions. Table 3 indicates conditions considered not to include together with reasons.

Appendix 3

Table 2 - Proposed Discretionary standard conditions

Condition	Reason	Included as Best Practice	% of LA
Specific terms relating to ASB in written terms of occupation	Relates to management of the house and S90(2)(b) specifically states conditions can be added in relation to ASB	Yes	100 %
Management of waste	Relates to management of the house and S90(2)(b) specifically states conditions can be added in relation to ASB. It is a mandatory condition for HMO licences to include waste disposal requirements and this will make comparable.	No	100 %
Notification of changes to Licence Holders address	Relates to management of the house	N/A	87%
Notification of changes to licensed property	Relates to management of the house	N/A	87%
Notification of change in personal circumstances	Relates to management of the house.	Yes	87%
Keep in property maintained and in good repair, when notified then fix within reasonable timescale	Relates to management of the house	Yes	84%
Inspect property once every 6 months	Relates to management of the house.	Yes	68%
Tenancy management related conditions	Relates to management of the house	N/A	65%
Emergency arrangements including contact details / Licence holder absence	Relates to management of the house	Yes	61%
Energy Performance Certificate(EPC) of E or above – E or Exemption	Relates to management of the house. It is a legal requirement to have an EPC at Band E or an exemption. Oxford City Council has a corporate priority on sustainability	Yes – legal requirement	48%
Number of households	Relates to management of the house – selective licensing is for non-HMO houses. This will make it clear. This is also required as one selective licence can be issued to cover a residential block with individual dwellings. A “household” number indicates the number of individual dwellings covered by the licence.	N/A	35 %
Provision of receipts for rent payments	Relates to management of the house	Yes	32%
To take action to eradicate pests, when reported	Relates to management of the house – although this will be included within property maintenance.	Yes	32%

Appendix 3

Table 3 Conditions not proposed

Conditions on other LA licences	Reason for not including
Specific security provisions e.g window locks / alley gates	Many other authorities have introduced selective licensing in high crime areas – these are specific measures required to help prevent crime. However high crime is not an Oxford concern so it is not appropriate to add this to a licence – HHSRS could be used where concerns arise.
Undertake training / become accredited	The council has to assess “competence” when granting a licence. Where concerns arise regarding competence, the council would add a condition as necessary rather than a blanket requirement for all landlords. The council proposes to give discounts to accredited landlords as an incentive – therefore working with compliant landlords.
Number of occupants	Restriction to a set number of occupants could lead to issues when families of different size move in or out. There would also be an issue if a family had another child as this would count for a person. Could lead to a lot of requests for variations and this would increase the overall cost of scheme. Number of occupants is best assessed via Part 1 function and HHSRS for crowding and space.
Inventory house / rooms	It is considered that this could be interpreted as relating to “condition and content” and so fall outside of selective licensing conditions.
Display Licence	It is considered that a condition requiring landlord to provide a pack to tenants with this information is sufficient. Family houses do not have the same turnover as HMOs.
Display Manager details	It is considered that a condition requiring landlord to provide a pack to tenants with this information is sufficient. Family houses do not have the same turnover as HMOs.
Fire alarm – certificate / declaration on expiry	This is fulfilled by mandatory requirement to supply a declaration on demand. Family houses have less complicated alarms.
Keep escape route clear	A family house would be expected to know their escape routes.
Display fire notice	A family house would be expected to know their escape routes.

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