

## Appendix D – Proposed Selective Licence Conditions - Hexthorpe

In these conditions 'house' refers to the building or part of a building, which is licensed in accordance with Part 3 of the Housing Act 2004. The "Licensing Authority" is to the local housing licensing authority, namely Doncaster Council.

Where another person, e.g. property manager, has agreed to be bound by the conditions of this licence, all references to 'licence holder' in this licence and conditions should, where applicable, be read to also include that other person.

Where there is a requirement in this licence to provide something in writing, unless specifically stated otherwise, this requirement can be met by providing the information electronically.

Where any of the following conditions place a duty or requirement on the licence holder to provide information or comply with a request for information, this information, unless stated otherwise, must be provided to the Licensing Authority within 28 days.

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| <b>1</b> | <b>Gas Safety</b><br><br>If gas is supplied to the house, the licence holder must produce annually, to the Licensing Authority, a gas safety certificate obtained in respect of the house within the last 12 months.<br><br><b>Mandatory condition required in the Housing Act 2004, Schedule 4</b>  |
| <b>2</b> | <b>Electrical Appliances and Furniture</b><br><br>The licence holder must keep the electrical appliances and furniture made available by him in the house in a safe condition; and supply to the Licensing Authority, on demand, with a declaration by him as to the safety of such appliances and furniture.<br><br><b>Mandatory condition required in the Housing Act 2004, Schedule 4</b>   |
| <b>3</b> | <b>Electrical Installation</b><br><br>The licence holder must keep the electrical installation in the house in proper working order and safe for continued use; and supply to the Licensing Authority, on demand, a declaration by him as to the safety of such installations.<br><br><b>Mandatory condition required in the Housing Act 2004, Schedule 4</b>  |
| <b>4</b> | <b>Smoke Alarms</b><br><br>The licence holder must ensure 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, to keep each such alarm in proper working order and to supply the Licensing Authority, on demand, with a declaration by him as to the condition and positioning of such alarms.<br><br><b>Mandatory condition required in the Housing Act 2004, Schedule 4</b> |
| <b>5</b> | <b>Carbon Monoxide Alarms</b>  |

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|   | <p>The licence holder is required to ensure 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 solid fuel burning combustion appliance, to keep any such alarm in proper working order and to supply the Licensing Authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.</p> <p><b>Mandatory condition required in the Housing Act 2004, Schedule 4</b></p>  |
| 6 | <p><b>Tenant References</b></p> <p>The licence holder must:</p> <ul style="list-style-type: none"> <li>i. Demand references from persons who wish to occupy the house. <b>(Mandatory condition required in the Housing Act 2004, Schedule 4)</b></li> <li>ii. Without prejudice to the generality of the condition of part I, all references are to include details of previous housing history and tenancy conduct, including behaviour of the proposed occupier. Credit references in isolation are not adequate.</li> <li>iii. Retain all references obtained for all occupiers for the duration of this licence and provide copies to the Licensing Authority on demand.</li> </ul>   |
| 7 | <p><b>Terms of Occupation</b></p> <p>The licence holder must:</p> <ul style="list-style-type: none"> <li>i. Supply the occupiers of the house with a written statement of the terms on which they occupy the house. <b>(Mandatory condition required in the Housing Act 2004, Schedule 4)</b></li> <li>ii. Ensure that the written statement of the terms and conditions on which the property is occupied contains: <ul style="list-style-type: none"> <li>a) a clause holding the tenant(s) responsible for any anti-social behaviour by themselves and/or their visitors.</li> <li>b) details of the arrangements in place to deal with repair issues and emergency issues.</li> </ul> </li> <li>iii. Copies of the written statement of terms must be provided to the Licensing Authority on demand.</li> </ul> |
| 8 | <p><b>Information for Tenants</b></p> <p>At the beginning and, where necessary, throughout each tenancy, the licence holder must provide the lead tenant(s) with the information prescribed below. This information must be provided in writing and in a language that the lead tenant(s) understands.</p> <p>The licence holder and tenant must obtain a signed declaration from the lead tenant(s) confirming that they have received and understood the information provided. The licence holder must retain a signed copy of this declaration for the</p>   |

duration of the tenancy and a copy must be produced to the Licensing Authority on demand.

- i. Details of proper waste management arrangements. This must include information covering:
  - The usual days of refuse and recycling collections by the Licensing Authority
  - How to present their waste for collection
  - Their duty to return refuse containers within the curtilage of the property when emptied
  - Details of how to arrange refuse/bulky item collections undertaken by the Licensing Authority
  - The location and opening times of the local Household Waste and Recycling Centres
  - The licence holder must repeat this procedure when notified of a waste related incident involving their tenant(s).
- ii. With regards to the prevention of anti-social behaviour (ASB):
  - The clause in their tenancy agreement relating to anti-social behaviour imposed by condition 7(ii), and
  - A copy of the Licensing Authority's 'Terms and responsibilities of tenants and licence holders' document. The terms and responsibilities must be explained to the lead tenant(s) and the licence holder must understand their responsibilities outlined within the document
  - The licence holder must repeat this procedure when notified of an ASB related incident involving their tenant(s)
  - Details of the services available to them and how they can report nuisance and anti-social behaviour to the relevant authorities.
- iii. The name and contact details of the licence holder and manager where applicable.
- iv. The emergency contact and management arrangements in the event of the property landlord/manager's absence.
- v. Details of the complaints and repairs procedure.
- vi. A detailed property inventory agreed with the lead tenant(s) before the start of their tenancy. This inventory must be initialled on all pages by both parties and signed and dated by them on the last page. A copy must be provided to the lead tenant(s) and the licence holder must retain a copy for their own records. The above procedure must be repeated at the end of the tenancy.

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|                 | <p>vii. If accommodation is provided on a furnished basis, the lead tenant(s) must be provided with copies of user manuals for any installations or equipment provided as part of the agreement for the occupation of the house.</p> <p>viii. The lead tenant(s) must be provided with written information advising how they can reduce the likelihood of being a victim of burglary by ensuring that all reasonable steps are taken to secure the house e.g. by locking external doors, closing and locking windows, security marking personal valuables etc.</p> <p>ix. Where an intruder alarm is fitted to the house, the lead tenant/s are informed in writing as to how it is operated, what the code is to activate and deactivate the system, how the code may be changed and in what circumstances they are allowed to do so.</p> <p>x. Where alley gates are installed to the rear of the property, advise the lead tenant(s) to keep the alley gates locked and provide instructions on how to obtain additional or replacement alley gate keys.</p>  |
| <p><b>9</b></p> | <p><b>Management of Anti-social behaviour* (see end note)</b></p> <p>For the purpose of this licence, anti-social behaviour (ASB) is defined as conduct on the part of occupiers of, or visitors to, residential premises -</p> <ul style="list-style-type: none"> <li>• Which causes or is likely to cause nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises, or</li> <li>• Which involves or is likely to involve the use of such premises for illegal purposes.</li> </ul> <p>The licence holder must take all reasonable and all practicable 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.</p> <p>The licence holder must:-</p> <ol style="list-style-type: none"> <li>I. Ensure suitable arrangements are in place to deal with complaints about an occupier's behaviour promptly and effectively and report back to the person making the complaint what action has been taken, or is intended to be taken. If after investigating the complaint the licence holder decides that the complaint is unfounded he should also inform the complainant accordingly.</li> <li>II. Undertake an incremental process of investigation and resolution of any complaints which have been made either directly to them, or via the Licensing Authority, regarding their tenants and/or visitors to the property. This is to include:-       <ol style="list-style-type: none"> <li>a) Notify the tenant, in writing within 7 days of a complaint being received, of the allegations of ASB made against them and the consequences of its continuation.</li> </ol> </li> </ol> |

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|           | <ul style="list-style-type: none"> <li>b) Monitor the allegations following receipt of a complaint of ASB and take all reasonable steps to establish if the ASB is occurring.</li> <li>c) Keep written notes of all meetings, telephone conversations and investigation activities regarding ASB and provide the Licensing Authority with a copy on demand within 7 days.</li> <li>d) Where ASB has been established a reasonable step in less serious cases would be to ask the occupier to refrain from the conduct and warning them of the potential consequences of not doing so. If, following that approach, the problems persists the licence holder must give the occupier a written warning and, if necessary, call on other agencies for advice and assistance in arresting the problems.</li> <li>e) Following that course of action, if there are no improvements, or the problem is so serious that there would be little point in invoking the previous stages, the licence holder must take direct action against the occupier, including possession proceedings.</li> <li>f) Where an obligation under d) or e) arises, the licence holder will provide to the Licensing Authority, on demand within 7 days, a written plan setting out the proposed steps and estimated timescales for taking those steps in order to resolve the anti-social behaviour.</li> <li>g) Notwithstanding the above, if, in any case, after 14 days of the tenant receiving the letter required by step a) the ASB is continuing, the licence holder must take appropriate formal steps to arrest the behaviour.</li> </ul> <p>III. Co-operate with the Licensing Authority, the police or any other agency involved with investigation of anti-social behaviour relating to the property or tenants of the property.</p> <p>IV. Provide all known information relating to the full names and dates of birth of the lead tenant(s) and any other adults living at the property, on demand by the Licensing Authority within 7 days.</p> |
| <b>10</b> | <p><b>Property Monitoring Visits</b></p> <ul style="list-style-type: none"> <li>i. The licence holder must ensure that their property is inspected at least once every six months and the findings of such visits are recorded.</li> <li>ii. In the event a missed payment of rent, a visit must be made to the property no later than one month from the date the payment was due, to ensure that the property is secure and has not been abandoned.</li> <li>iii. Records of visits should be retained and provided to the Licensing Authority on demand within 7 days.</li> </ul>  |
| <b>11</b> | <p><b>Permitted Number of Occupants</b></p> <p>The licence holder must ensure that:-</p>  |

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|                  | <ul style="list-style-type: none"> <li>i. The house is not overcrowded as defined in Part X of the Housing Act 1985.</li> <li>ii. If the licence holder becomes aware of overcrowding at the property, they must take all reasonable steps to deal with the issue and, on demand, advise the Licensing Authority of the actions taken.</li> </ul>   |
| <p><b>12</b></p> | <p><b>Maintaining the Property</b></p> <p>The licence holder must ensure that:-</p> <ul style="list-style-type: none"> <li>i. The internal structure of the house and every window and other means of ventilation is maintained in good repair and that any fixtures and fittings and appliances made available are maintained in good repair and working order.</li> <li>ii. The water supply and drainage system serving the house is maintained in good working order and is not unreasonably interrupted.</li> <li>iii. Any gas and electricity supply that is used by occupiers of the house is not unreasonably interrupted.</li> <li>iv. As far as is reasonably practicable, the exterior of the property (including any boundary walls, gates and gardens/yards) is maintained in reasonable decorative order and in a good state of repair.</li> <li>v. Gardens/yards are kept free of refuse, litter, excess vegetation and infestations during any period the property is unoccupied.</li> <li>vi. They take all reasonable steps to ensure that the lead tenant(s) maintain the garden/yard of the property, keeping it free of refuse, litter, excess vegetation and infestations, throughout the duration of their tenancy. Arrangements must be made immediately for the proper collection and disposal of any rubbish additional to that contained within the bins and such rubbish shall be stored within the curtilage of the property at the rear if feasible.</li> <li>vii. As appropriate to the particular circumstances, the property boundary must be designed, constructed and maintained in a manner to ensure security of the property as well as providing a strong deterrent for fly-tipping within the whole curtilage of the property. Where required, tenants must be provided with all necessary keys.</li> </ul> |
| <p><b>13</b></p> | <p><b>Management of the Arrangements for the Storage of Refuse and Waste</b></p> <p>The license holder must ensure that they and their tenant(s) proactively comply with the waste collection scheme provided by Doncaster Council, which relates to the storage and disposal of household waste at the property pending collection.</p> <p>Without prejudice to the generality of the preceding paragraph, the matters to which this duty extends include in particular-</p> <p><b>Prior to the start of each tenancy:</b></p> <ul style="list-style-type: none"> <li>i. Plan for waste storage at the property;</li> </ul>  |

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|                  | <ul style="list-style-type: none"> <li>ii. Ensure that bins and boxes for waste and recycling, are compatible with the requirements of the licensing authorities waste collection service, and are provided in sufficient numbers and type for the needs of the house;</li> <li>iii. Make suitable arrangements for the proper storage of bins and boxes within the boundary of the property;</li> <li>iv. Ensure that all bins and boxes are stored in a neat and tidy manner; and</li> <li>v. All refuse containers shall be located away from habitable rooms, so that they do not obscure the passage of natural light to any windows located at or below bin height, on hard-standings with suitable access for cleansing the area and removing of containers, and, where reasonably practicable, at the rear of the house.</li> </ul> <p><b>Replacement Bins</b></p> <ul style="list-style-type: none"> <li>vi. In the event that replacement bins are required during the period of a tenancy e.g. they go missing or are seriously damaged to the point they cannot be repaired, the licence holder is responsible for ensuring that replacement bins are ordered from the Licensing Authority's waste collection service. Where the licence holder chooses to pass on any cost incurred this must be detailed in the terms of occupation.</li> </ul> |
| <p><b>14</b></p> | <p><b>Alley Gates</b></p> <p>Where there are alley-gates installed to any access areas (e.g. back alley) serving the licensed property, the licence holder must:</p> <ul style="list-style-type: none"> <li>i. Take responsibility for holding a key for any alley-gates which are already in place or which are installed in the future.</li> <li>ii. At the start of each tenancy, issue the lead tenant(s) with at least one alley gate key for the household.</li> </ul>  |
| <p><b>15</b></p> | <p><b>Suitability and Competency of Licence Holder and Manager</b></p> <ul style="list-style-type: none"> <li>i. The licence holder must ensure that any persons involved with the management of the house are to the best of their knowledge "fit and proper persons" as defined in the purposes of the Housing Act 2004.</li> <li>ii. Anyone bound by the terms of this licence must, where there is an identified need, attend a relevant training course, within a specified period frame agreed by the Licensing Authority and produce on demand written evidence of such attendance.</li> <li>iii. The licence holder shall not cause or permit any person who has previously applied for a licence in respect of the property and - <ul style="list-style-type: none"> <li>a) has been found not to be a fit and proper person, or</li> <li>b) is subject to a Banning Order under the Housing and Planning Act 2016</li> </ul> </li> </ul>  |

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|           | to have control or management of the property and tenancies, or to carry out or arrange any repair, improvement or other works at the property.   |
| <b>16</b> | <p><b>Property Management and Safety</b></p> <p>The licence holder must ensure that -</p> <ol style="list-style-type: none"> <li>i. They have arrangements in place for dealing with complaints and disrepair. Where the licence holder is informed in writing (letter, text, email etc.) of disrepair or a pest infestation in the property by either the occupier(s) or the Licensing Authority, they must take action to investigate and, where necessary, remedy the disrepair and/or infestation. The licence holder must respond in writing to any such complaint, within 14 days, stating what action they have or are taking.</li> <li>ii. They have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details of the licence holder and/or manager must be supplied to each lead tenant(s).</li> <li>iii. Any repairs, improvement works or treatments undertaken at the property are carried out by competent person(s).</li> </ol> |
| <b>17</b> | <p><b>Disclosure and Notification of changes</b></p> <p>The licence holder must:-</p> <ol style="list-style-type: none"> <li>i. Notify the Licensing Authority within 1 month of any material changes of circumstances relating to the property that may affect the validity and/or terms of the licence (for example, these include: <ul style="list-style-type: none"> <li>• Change of the ownership</li> <li>• Change to management of the property</li> <li>• Any events that may affect the fit and proper status of the licence holder or manager.</li> <li>• Change of address of the licence holder or manager.</li> </ul> </li> <li>ii. Notify the Licensing Authority before making any material changes to the layout of the property.</li> <li>iii. Ensure the type of occupancy of each unit of accommodation is not changed without the prior written approval of the Licensing Authority, e.g. from single family dwelling to House in Multiple Occupation.</li> </ol>                         |
| <b>18</b> | <p><b>Annual Declaration of Compliance</b></p> <ol style="list-style-type: none"> <li>i. The licence holder must ensure that they complete the Licensing Authority's Annual Declaration of Compliance with the terms of this licence.</li> </ol>  |

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|  | <p>ii. This declaration must be completed within 1 month of the date that the licence is granted and annually thereafter, within 1 month of the anniversary of the licence, for the duration of the licence.</p> |
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**Notes:**

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| <p>*Anti-social behaviour (ASB)</p> | <p>The ASB conditions attached to this licence are intended to require the licence holder to combat it by ensuring that the conduct of persons they have permitted to reside at or are visitors to the property does not -</p> <ul style="list-style-type: none"> <li>• cause nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of the premises, or</li> <li>• involve or is likely to involve the use of such premises for illegal purposes.</li> </ul> <p>If ASB is being carried out within the immediate vicinity of the property and is being caused by the occupier(s) of the property then any reasonable person will associate this behaviour with the property. It is, therefore, entirely reasonable to expect the licence holder to take responsibility to ensure those persons living in the property are not conducting themselves in a way that is adversely impacting on the local community.</p> <p>As to the conduct of visitors to the property, the above equally applies to them as the licence holder should not allow his property through the conduct of persons' visiting his occupiers to be a source of harassment, alarm, distress or nuisance to the local community.</p> <p>Whilst a landlord/licence holder will not normally have responsibility for the conduct of occupiers of the property if the misconduct is not carried out within its vicinity, the landlord /licence holder is responsible where:</p> <ul style="list-style-type: none"> <li>• There is reasonable suspicion that the landlord is promoting or encouraging the conduct (for whatever reason) and</li> <li>• The misconduct is frequent and not trivial and the landlord is aware of it and the impact on the community.</li> </ul> |
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