

Licence Conditions

Mandatory conditions under Part 3 Housing Act 2004

Condition 1 – Gas

If gas is supplied to the house, the licence holder must provide Birmingham City Council a Gas Safety Certificate issued within the previous 12 months at the time of the application and thereafter on demand.

Condition 2 – Electrical Appliances

The licence holder must keep electrical appliances made available by them in the house in a safe condition and supply the authority (at the time of the application and on demand thereafter) a declaration by the licence holder as to the safety of such appliances.

Condition 3 – Furniture and Furnishings

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) and must provide a declaration as to their safety at the time of application and thereafter on demand.

Condition 4 - Smoke Alarms

- i) The licence holder must ensure that smoke alarms are installed on each storey of the house on which there is a room used wholly or partly as living accommodation. A declaration as to the positioning of such alarms must be provided to Birmingham City Council on demand.
- ii) The licence holder must ensure that the smoke alarms are kept in proper working order. A declaration as to the proper working order of the alarms must be supplied to the Council on request.

Condition 6 - Carbon Monoxide Alarms

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 fixed combustion appliance other than a gas cooker. A declaration as to the positioning 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 the 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.

Condition 7 - Tenant references

The Licence Holder must obtain references from all persons who wish to occupy the house. Where references cannot be obtained, the Licence Holder must provide evidence of efforts made for reference checks. Copies of references or evidence of efforts made must be made available to the Council upon demand.

Condition 8 - Terms of Occupation

The Licence Holder must supply to the occupiers of the house a written statement of the terms on which they occupy the property. This is usually a tenancy or licence agreement. A copy of the terms will be provided to the Council on demand.

Prescribed Conditions

Condition 9 – Change of Circumstances

The Licence Holder must notify the Council within 14 days of any material change in circumstances that may affect the validity and terms of the licence. This would include

- i) a change of address
- ii) change of manager, management arrangements, or property ownership
- iii) any change in the licence holders and, if appropriate, a person on whom restrictions or obligations under the licence are imposed, or any associate's circumstances that may affect their status as a fit and proper person under the Housing Act 2004
- iv) any proposed changes to the house, including its layout.

Condition 10 – Energy Performance Certificate

Each new tenant must be issued with a valid Energy Performance Certificate

Condition 11 – Occupancy

The licence holder must ensure that the occupancy of the property does not exceed the level set within the Licence, and that no rooms other than bedrooms are used for the purposes of sleeping.

Condition 12 – Security

The licence holder must:

- ii) Carry out a lock change prior to a new tenant taking up occupation when the previous tenant has not returned all keys.
- iii) Ensure that provisions for securing access to the premises are maintained in good working order at all times, and sufficient to prevent reasonable attempts of forced entry.
- iv) Ensure occupiers have access to the necessary keys to access the security provisions, including window locks if fitted.
- v) Where a burglar alarm is fitted to the Property, the Tenant(s) is (are) made aware of the code, how the alarm is operated and the circumstances under which the code for the alarm can be changed.
- vi) So far as reasonably practicable, any works necessary to protect the security of the property are undertaken within 24 hours of notification e.g. damage to windows/entry points to the property.

Condition 13 – Crime and Anti-Social Behaviour

The Licence Holder must:

- i) ensure that all reasonable and practical steps are taken to prevent or reduce criminality or anti-social behaviour by the occupants of, and visitors to, the Property.
- ii) where complaints of criminality or anti-social behaviour are made to the Licence Holder, the Licence Holder shall investigate them and take appropriate action to resolve them. Copies of the complaint shall be kept together with notes arising during the course of the investigation and

how the matter was resolved; and the Licence Holder must keep them for the duration of the Licence. Where the Licence Holder has reason to believe that criminal activity is taking place at the property or the curtilage of it, the Licence Holder must ensure that the appropriate authorities e.g. Police, are informed.

iii) There may be instances where anti-social behaviour occurs more than once, but not continuously and possibly intermittently over several months. In such circumstances the Licence Holder shall, as far as is reasonably practicable, take all steps required to ensure that it is effectively dealt with, up to and including eviction.

Condition 14 – Refuse and recycling

The Licence Holder must:

i) Provide suitable and sufficient provision is made for storage of refuse generated in the property and that occupants use receptacles provided by the Council for storage prior to collection. No waste or waste receptacle must cause obstruction.

ii) Ensure that the occupiers of the house are given the information in writing about waste and recycling within 7 days of the start of their occupation
Ensure that any kind of refuse which the Council will not ordinarily collect (e.g. large items, bedding, furniture, hazardous waste etc.) are disposed of responsibly and appropriately.

Condition 15 – References

The licence holder must demand references from persons who wish to occupy the house. No new occupiers should be allowed to occupy the property if they are unable to provide a suitable reference. When referencing, consideration must be given to the prospective tenant's previous tenancy history, and right to rent checks. The licence holder must provide evidence of such reference and checks carried out when requested by the Council.

Condition 16 – Inventory

The Licence Holder must arrange to carry out a detailed inventory to be agreed with each tenant at the start of their occupation of the house. The Licence Holder must provide the tenant with a copy of the agreed inventory and keep their own copy.

Condition 17 – Rent Payments

The licence holder must ensure that there is a record of all rent payments received in respect of the property. All occupiers should be given a rent book or similar receipt for payments made, such as a rent statement. If rent is due weekly, this should be provided to the tenant each week. If rent is due monthly, this should be provided to the tenant at monthly intervals as a minimum.

Condition 18 - Emergency Arrangements

The Licence Holder must have in place appropriate emergency and other management arrangements in the event of their absence. The name and contact details of the alternative contact must be provided to the occupant/occupiers.