

Selective Licensing

A Guide for Landlords and Managing Agents on Selective Licensing in Greater High Cross



Safe, sound, secure, selective licensing

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What is selective licensing?

The Housing Act 2004 provides councils with the power to introduce licensing of privately rented properties in selected areas with the aim of improving conditions for local tenants and the surrounding community. In order to introduce Selective Licensing, the council has to demonstrate one of the following criteria within the designated area:

1. That the area is, or is likely to become, an area of low housing demand AND/OR
2. That the area is experiencing a significant and persistent problem caused by anti-social behaviour and some or all of the private sector landlords who have premises in the area are failing to take appropriate action to combat the problem.

Selective Licensing requires all private rented properties within a designated area to be licensed. Certain standards and conditions are required to be met in order for a licence to be granted. Failure to meet such conditions and standards may result in prosecution and/or the making of a management order which will transfer responsibility for managing the property to the council.

It will be a criminal offence to let a property in a Selective Licensing area from the **6th September 2010** without applying for a licence. On conviction this may result in a fine of up to £20,000. For any period where an unlicensed property is being privately rented, an application can be made to the Residential Property Tribunal for a Rent Repayment Order for up to 12 months' rent to be repaid including housing benefit payments.

Why introduce Selective Licensing?

We recognise that there are many good landlords in the Greater High Cross Area, however there are also many problems associated with anti-social behaviour, vandalism, poor quality rented housing, and irresponsible and unscrupulous landlords can have a detrimental effect on the community. As the area becomes less attractive, properties are left empty or increasingly are purchased by speculative investors. These landlords may have no interest in the area and often rent to tenants who have not been properly vetted, leading to further anti-social behaviour and decline.

The City Council aims to encourage the best possible standards of property management and maintenance amongst private landlords, letting agents and managers of rented property. Newcastle City Council encourages all landlords to join up to good practices and management standards, in return the City Council offers a number of free advice and support services and works with those landlords to offer good quality and affordable accommodation to residents. By working in partnership landlords can make an important contribution to efforts being made to improve the housing stock within Newcastle upon Tyne.

Selective Licensing will give Newcastle City Council the power to make landlords accountable for the management of their property and tenants. It will encourage absentee or unprofessional landlords to use the services of an agent or other appropriate person to manage their property effectively.

Newcastle City Council believes that Selective Licensing will benefit the Greater High Cross area by:

- Ensuring privately rented properties are well managed
- Tackling unprofessional landlords and supporting good landlords
- Reducing anti-social behaviour
- Increasing demand for properties
- Ensuring the local area is a more attractive place to live
- Encouraging responsible residents to stay.

Selective Licensing in Greater High Cross

Greater High Cross incorporates:

- Adelaide Terrace (part of)
- Armstrong Road (part of)
- Atherton Drive
- Atkinson Road (part of)
- Atkinson Terrace
- Bilbrough Gardens
- Caroline Street
- Clara Street
- Egerton Street
- Elswick Road
- Ethel Street
- Gerald Street
- Hugh Gardens
- Joan Street
- Lawson Terrace
- MacDonald Road
- Maria Street
- South Benwell Road
- St John Road

For further clarification contact the Selective Licensing Team.

Who will need to be Licensed?

All private rented properties within a designated Selective Licensing area are required to be licensed. The legislation allows certain properties to be exempt from licensing. These properties include:

- Those managed or controlled by Registered Social Landlords or local housing authorities.
- Buildings regulated by other legislation.
- Holiday lets.
- Tenancies under a long lease.
- Business tenancies or where the council has taken action to close the property.
- Homes occupied by close relatives of the owner.

Who can apply for a licence and who should be the Proposed Licence Holder?

The proposed licence holder will preferably be the owner or if deemed to be more appropriate, a person designated by the owner, e.g. the managing agent. In determining a licence application the council has a duty to award a licence to the most appropriate person. This will normally be the owner or manager employed by the owner. At the very least, the council expects the licence holder to have the power to:

- let and terminate the tenancies;
- access all parts of the premises to the same extent as the owner; and
- authorise expenditure of 25% of the yearly income of the house for emergency repairs (at a minimum of £1500).

The most appropriate person must also be confirmed as a **'fit and proper person'**. In deciding whether the proposed licence holder or proposed manager is a fit and proper person the Council must take into account circumstances which may compromise the welfare of the tenants and the good management of the property. It must consider amongst other things:

- Any previous convictions relating to violence, sexual offences, drugs, fraud or other dishonesty.
- Whether the person has broken laws relating to housing or landlord and tenant issues.
- Whether the person has been found guilty of unlawful discrimination in connection with the running of a business.
- Whether the person has previously managed a licenced property and has infringed any Approved Code of Practice or been refused a licence.
- If the proposed licence holder resides outside the UK.
- Inadequate financial resources.

To enable the Council to determine whether the proposed licence holder or manager is a suitable person the applicant(s) must:

- Provide evidence that the intended licence holder/manager has no unspent criminal convictions relevant to the above clauses. Evidence provided in a basic disclosure from Disclosure Scotland Service will satisfy this requirement. Applications for this information can be obtained by going online to www.disclosurescotland.co.uk or by telephoning 0870 609 6006 for further information.
- Make a declaration regarding the other issues detailed on the application form regarding suitability to properly manage the property. This will cover information as to whether there have been any County Court judgements made relating to tenancy issues.
- Indicate whether it has been necessary for this or any other local authority to take action for failure to comply with any relevant Housing legislation or Approved Codes of Practice or issue an HMO Control Order or Interim or Final Management Order in respect of properties owned or managed by the applicant.
- Disclose information which may show that any person associated or formerly associated with the intended licence holder has done any of the above things, since it is necessary to consider this evidence and its relevancy to the applicant's suitability.

The council also requires details of all people involved in the ownership or management. Owners and managers who are not the intended licence holder may also be required to meet the fit and proper person test.

If the proposed licence holder is not deemed to be fit and proper, and a suitable alternative can not be found, the licence may not be issued. In such cases the application will be referred to a Committee comprising members of the Council's Executive. If the proposal to refuse the licence is upheld by the licensing committee this may result in making an Interim Management Order (IMO). This will transfer the management of the property to the council.

Temporary Exemption Notice (TEN)

Some properties may be eligible for a Temporary Exemption Notice (TEN) if steps are in progress to change the occupancy of the property from a private rented property e.g. if the property is being sold for owner occupation. If you believe you may be eligible for a TEN please contact the Selective Licensing team who will be able to advise accordingly.

The Licence

All licences will expire on the 5th September 2015 although on occasion some licences may be granted for a shorter period. All properties will be inspected at least once during the life of the scheme, although additional inspections may also take place. The Council will contact the licence holder prior to any inspection unless deemed otherwise necessary.

Licences are non-transferable. Should the licence holder change during the licence period a new licence application and fee will be required. Charges may also be incurred for variations to the licence e.g. changes to the ownership or manager during the licence period.

Current Fees and Charges

Upon validation of the application for a licence a request will be made for payment of the outstanding fees. Upon receipt of the invoice, payment must be made within 21 days. Failure to pay the outstanding fee within this time may result in refusal of the licence. In such cases the application will be referred to a Committee comprising members of the Council's Executive. If the proposal to refuse the licence is upheld by the licensing committee this may result in the making of an Interim Management Order (IMO). This will transfer the management of the property to the council.

Discounts have been included within the scheme for landlords who have demonstrated their commitment to the private rented sector, by either becoming members of the National Landlords Association or other nationally recognised landlord association and/or attaining Newcastle City Council's Accreditation standard.

	First 6 months of scheme	After 6 months
Standard Fee	£400	£500
Discount for membership of a nationally recognised landlord body	£75	
Discount for accredited property	£150	
Reduction fee for subsequent properties	£40	

Please see the examples below for a guide as to how much a licence may cost.

	First 6 months of scheme	After 6 months
Proposed licence holder is member of a nationally recognised landlord body, with the property accredited.	£175	£275
Proposed licence holder is a member of a nationally recognised landlord body, with the property accredited – 2nd and subsequent applications.	£135	£235
Proposed licence holder is a member of a nationally recognised landlord body, but the property is not accredited.	£325	£425

	First 6 months of scheme	After 6 months
Proposed licence holder is a member of a nationally recognised landlord body, but the property is not accredited – 2nd and subsequent applications.	£285	£385
Proposed licence holder is not a member of a nationally recognised landlord body, but the property is accredited.	£250	£350
Proposed licence holder is not a member of a nationally recognised landlord body, but the property is accredited – 2nd and subsequent applications.	£210	£310
Proposed licence holder is not a member of a nationally recognised landlord body, and the property is not accredited.	£400	£500
Proposed licence holder is not a member of a nationally recognised landlord body, and the property is not accredited – 2nd and subsequent applications.	£360	£460

Administration charges

Upon submitting an application form officers will consider the application and the supporting evidence provided. If you do not send a fully completed form and all required supporting evidence in the first instance you may be charged an administration fee for any subsequent applications submitted. You will be issued with an invoice for the fees payable prior to receiving the licence.

Charge for each incomplete/deficient application	£40
Charge for breach of licence conditions where a letter needs to be sent	£50
Failure by Licence Holder to submit certificates or information following request by the Council	£50

The Right of Appeal

If the licence holder feels that the council has acted unfairly with regard to a licensing decision they may appeal to the Residential Property Tribunal (RPT). The RPT is an expert independent tribunal that act in the same way as the County Court to either confirm or overturn the council's decision. Grounds for appeal may include:

- The Refusal of a licence.
- Licence conditions.
- A decision to vary a licence.
- A decision to revoke a licence.

For more information visit www.rpts.gov.uk.

Licence Conditions

Once the Selective licence is issued certain conditions will be attached. Those conditions must be complied with in order to retain the licence.

1. The licence and any conditions attached to it **MUST** be displayed in a prominent location at the property. It is the responsibility of the licence holder to comply with all licence conditions. Failure to do so may result in revocation of the licence and the making of an interim management order. It is also a criminal offence to breach the conditions of the licence. On conviction the licence holder could face a fine of up to £5,000.
2. Within five working days of relevant circumstances arising the licence holder must notify the Selective Licensing Team of such changes which may affect their suitability to remain as the licensee. Changes in ownership or management arrangements and address changes must also be notified.
3. Following a change in management arrangements a signed copy of the new managing agent contract must be submitted with 14 days.
4. The Selective Licensing team must be informed within 14 working days of the commencement of a new tenancy together with tenant details including family name, number of occupants and where known dates of birth.
5. If the licensed property becomes vacant during the licence period the licence holder must inform the Council within five working days. All reasonable measures must be taken to ensure that the property is secured against unauthorised entry when the property is not tenanted.

The following conditions must be met before a licence can be granted.

Landlords are encouraged to use the services of a specialist housing solicitor or other independent professional adviser for full advice concerning their licensing obligations. Names and addresses will be supplied on request.

Property Management

As part of the Selective Licensing process the proposed licence holder must provide evidence that safety and security is a priority within their property. The licence holder must also ensure that at all times the property is compliant with all current Housing Legislation, and that it has valid buildings insurance.

1. Gas Safety

Under the Gas Safety (Installation and Use) Regulations 1998 gas appliances and flues must be checked annually by a Gas Safe registered engineer. Following such an examination a copy must be provided to the tenant and to the council on an annual basis. Failure to supply a valid CP12 may result in a referral to the HSE. This could result in legal action being taken against the licence holder, owner and/or the gas engineer.

2. Electrical Installations

The licence holder must provide a satisfactory periodic inspection report on the electrical installation at the property. This must be carried out by a 'competent person' who is a member of one of the government approved schemes i.e. NICEIC, NAPIT, ELECSA or BRE. Formal inspection and testing should be carried out every five years. However if the risk is found to be greater, for instance where the installation is very old or where damage is regularly found during inspections, more frequent inspections should be carried out. Regular visual inspections of the electrical installation and fittings should also be carried out by the licence holder/managing agent.

3. Electrical Appliances

The Licence holder must ensure that all portable electrical appliances i.e. those items supplied via a plug e.g. kettles, toasters, washing machines, fridges etc provided by the landlord are in a safe condition. They must be tested on an annual basis and at the commencement of each tenancy. A Portable Appliance Test (PAT) certificate must be provided to verify this. This must be issued by a competent person as detailed above. A copy of the current test(s) must be supplied with the licence application.

4. Furniture and Furnishings

The licence holder must ensure that ALL furniture supplied by the landlord complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988. All new furniture must carry a permanent label describing the fire resistance of all the materials used. Unless a clause is included within the tenancy agreement this does not apply to furniture provided by the tenant. Provision of furnishings and fittings which do not comply with the above regulations will be referred to Trading Standards, and may result in legal action being taken against the owner, managing agent, and/or licence holder.

5. Fire Precautions

These conditions must be met with immediate effect. The required fire precautions will vary from property to property depending upon the layout and occupancy type.

A typical property of no more than three storeys with family household occupancy where the kitchen leads from the lounge:

- Interlinked hardwired smoke alarms with integral battery back-up must be located on the escape route at ground and first floor levels.
- An additional interlinked hardwired heat detector must be located in the kitchen or lounge (no more than one metre from the entrance door to the kitchen).
- Where the kitchen leads from the hall/landing the heat detector must be located in the kitchen.
- Smoke and heat detectors are not permitted to be located on any wall. They must be suitably located on the ceiling.

If your property is more than two storeys high and/or not of a standard layout and/or is occupied by more than one family/unrelated individual(s), please contact the Selective Licensing team for further advice on the fire precautions required.

6. Category 1 Hazards under the Housing Act 2004

To ensure that the property is being properly managed it must be free from category 1 hazards as defined under the Housing Act 2004. It will also need to comply with all other Housing and Public Health legislation. Guidance on the 29 Hazards can be found in appendix 1. In particular the following requirements must be met to ensure that the property is free from the most common hazards found in the High Cross area.

Kitchen Facilities

Facilities for the preparation, cooking and storage of food must be safely and conveniently laid out. The kitchen must be of adequate size for the number of occupants to ensure it can be used in safety.

The following amenities must be provided:

1. Adequate cupboard/drawer space for the storage of food and equipment.

2. An adequate fixed work surface for the preparation of food, being non-absorbent and capable of being easily cleaned.
3. A fixed sink comprising at least a bowl and single drainer within a base unit, and provided with an adequate supply of hot and cold running water.
4. Provision for the installation of a cooker, usually being a 30 amp electric cooker point or a gas point, with sufficient space available adjacent to the point for the fitting of an oven and hob.
5. Walls adjacent to preparation and cooking area are to be capable of being easily cleaned.
6. There should be sufficient space for the fitting of a refrigerator or fridge/freezer.
7. All units and any appliances provided must be in good repair and in good working order.
8. There should be an adequate number of suitably located electric power points for the safe use of kitchen appliances.
9. Suitable means of mechanical extract ventilation to the kitchen.

Energy Efficiency

All rented properties with a new tenancy from 1st Oct 2008 are required to have a valid Energy Performance Certificate [EPC]. An EPC is valid for 10 years. Where applicable a copy of a valid EPC must be provided with each licence application.

All habitable rooms must be provided with adequate and suitable fixed space heating appliances or a controllable central heating system. If a hot water cylinder forms part of the heating system it must be properly lagged with a suitable jacket. All hot water pipes must also be lagged. Ideally the Licence holder must also ensure that the property has at least two of the following energy efficiency measures:

- i) Double glazing
- ii) Energy efficient central heating boiler.
- iii) Cavity wall insulation
- iv) Draught-proofing
- v) Radiator thermostats
- vi) Low energy light bulbs throughout. (It is the licence holder's responsibility to provide replacement energy efficient light bulbs.)

Security

All properties must have adequate security provisions.

- All external doors and frames must be of sound construction and be well maintained and fitted with five lever BSI mortise locks, unless they are multi-point locking UPVC, with a 200 mm barrel bolt or similar to be fitted to the rear door.
- A door viewer and/or door chain should be provided to the front door.
- Window locks should be fitted to all ground floor and vulnerable first floor windows. Keys must be available for use by the tenants.
- The rear boundary of the property must be maintained to ensure it is secure and in good repair at all times and, where fitted, lane gates/doors must be provided with a suitable locking device.

Other security provisions may be accepted if the same level of security can be provided. Contact the selective licensing team for further advice and guidance.

Fire Precautions

A suitable bin or bins for the disposal of refuse must be provided at the property at the commencement of each tenancy. Information regarding collection arrangements must be provided to the tenant. Appropriate steps should be taken to ensure tenants dispose of waste in an appropriate manner.

- When an inner room (a room where the exit route would be through another room) is a habitable room (e.g. a bedroom or living room) on the ground or first floor then an escape window must be provided. This must comprise an unobstructed opening that has an area of at least 0.33 m² with no dimension being less than 450 mm and with a cill height between 800-1100 mm from the floor. For use in an emergency an additional key for the locking device must be permanently available from within the room. On second floors or higher, escape windows are not acceptable and a protected route will be required; please contact the Selective Licensing team for advice.
- All inner rooms must be fitted with a 30 minute fire door hung on one and a half pairs of high melt point hinges and be complete with intumescent strips. A closer must be fitted to the door which is adequate for the size and weight of the door, the closer to be adjusted to ensure that the door closes smoothly and quietly into the rebate of the doorframe overcoming any latching device. All doors must fit correctly into the frame. Any lock or latch must be sleeved in intumescent material.
- All other rooms should be fitted with sound, well constructed, and close-fitting conventional doors.
- Polystyrene tiles must not be fixed to any ceiling or wall.
- The escape route should not pass through any high risk rooms e.g. kitchen.
- A suitable fire blanket must be provided in all kitchens at suitable locations.

Where the property has a useable basement/cellar:

- Thirty minutes fire separation must be provided between any basements/cellars and the ground floor. This can be achieved by fixing 12.5 mm plasterboard with a 3 mm skim coat maintained in sound condition.
- A hardwired interlinked smoke alarm with integral battery back up must be fitted in the basement/cellar.

Refuse Provisions

A suitable bin or bins for the disposal of refuse must be provided at the property at the commencement of each tenancy. Information regarding collection arrangements must be provided to the tenant. Appropriate steps should be taken to ensure tenants dispose of waste in an appropriate manner.

7. Finances

Finances must be readily available to the licence holder and/or property manager to deal with routine and emergency repairs at the property. In cases where a managing agent is the licence holder, the owner will need to authorise expenditure of 25% of the yearly income of the house for such repairs (at a minimum of £1500) by the agent. Existing management contracts between the agent and the owner should be amended accordingly.

Tenancy Management

8. Training

Licence holders are expected to improve and maintain their knowledge and competency by undertaking training and development in housing related matters. It is expected that licence holders will complete at least five hours training per year. This may include attendance on training courses relating to housing either locally or nationally, completing a recognised online training course or even attending a private landlord meeting or event. Please contact the Selective Licensing Team for more details if you would like information on training.

9. Referencing

All landlords must obtain robust references for prospective tenants before they make a new tenancy agreement. The main purpose of referencing is to assist in reducing anti-social behaviour.

Landlords may be asked to provide evidence as to how the references have been obtained.

Examples of information you will need from a prospective tenant will include:

- Current and previous addresses with landlord details from last three years, if applicable
- Contact details including full name and dates of birth
- Details of other persons who will be living with the tenant.

Other checks you may want to make are:

- Have they got written references from previous landlords or letting agents
- Proof of employment
- Whether or not they are a Local Housing Allowance (Housing Benefit) claimant
- Proof of identification.

The Private Rented Service offers a free vetting service requesting information from prospective tenants from various sources, including the police and previous landlords. Please contact the Selective Licensing team for further information.

National Landlord Organisations and landlords' service companies also offer tenant referencing and vetting services with various different checks including credit checks.

10. Protecting your tenant's bond/deposit

All bonds or deposits must be protected by one of the government's nominated schemes within 14 days of receiving it from the tenant. If it is not protected within 14 days, a court order may be made requiring the tenant be paid three times the amount of the deposit and that the deposit is returned to the tenant or protected in a Scheme. Details of the bond amount and the scheme in which it will be protected must also be included within the tenancy agreement. This provision applies to all new Assured Shorthold tenancies commencing on or after April 2007. Failure to protect a deposit will jeopardise possession proceedings using a section 21 notice.

After the deposit has been protected you must supply the Prescribed Information and comply with the Initial Requirements of the particular scheme that you use. The three Schemes have different rules and procedures that apply to them. These rules apply to anyone who receives a deposit and not just the landlord.

11. Tenancy Agreements

A valid tenancy agreement is required for each letting. A tenancy agreement is a legal agreement in writing that sets out the rights and responsibilities of both landlord and tenant. It will contain details such as the length of the agreement, the rent payable, and what is and isn't allowed in the property, such as pets. It is advisable not to hand over keys to a tenant unless the tenants have signed the tenancy agreement.

Seek advice from your own independent adviser before choosing the type of agreement and the terms it includes to make sure that it meets your own needs.

There are a variety of standard form contracts available through a number of sources but they often contain differing terms that may not be suitable for you.

Tenancy agreements can be provided, together with a full sign-up service, by the Private Rented Service so please contact the Selective Licensing Team for more details.

12. Inventories

An inventory is a list of everything that a landlord may provide in their rented property e.g. carpets, curtains, furniture and kitchenware together with details of the property condition prior to the commencement of the tenancy. An inventory is required for each new tenancy, for both furnished and unfurnished lets. It can help avoid a dispute over a deposit when a tenant moves out, as it establishes the condition of the property and its contents before the tenant moved in. The licence holder must ensure that any remedial works identified during the inventory are rectified within a reasonable period of time.

You are advised to complete the inventory together with the tenant. Both parties must sign and date the forms with each retaining a copy. If you take a deposit and fail to do an inventory you will find it difficult to claim for damages or deduct from the deposit money as you would need to provide evidence of the condition of the property at the start of the tenancy.

When the keys are returned, the landlord and tenant should check the condition of the furniture, fixtures and fittings against the original inventory and any photographs taken. This allows both parties to agree on the final condition of the property and its contents. Wear and tear should be taken into account. Contact will need to be made with the appropriate rent deposit scheme holder for any disputes over any proposed deductions.

The Selective Licensing team have sample inventory forms; you can also download the forms from <http://england.shelter.org.uk>, you may also get a form from a landlord organisation or there are companies which will complete the inventory process for you.

13. Advice on tackling anti-social behaviour (ASB)

Selective licensing is a vital tool to help deal with problems of Anti-social Behaviour (ASB) in the private rented sector. The introduction of licensing will require landlords to take reasonable steps to tackle ASB when caused by their tenants. 'Reasonable steps' involve investigating any incidents of ASB regarding tenants and taking appropriate action where necessary. It also includes:

- 1) Providing new tenants with a tenancy agreement which includes nuisance and annoyance clauses which will allow the landlord to take reasonable steps to tackle anti-social behaviour. Contact the Selective Licensing team for further information and details on clauses that cover ASB.

Licence holders or their nominated agents are required to explain these clauses to new tenants at the tenancy signing up stage.

- 2) The licence holder and his nominated managing agent must recognise the importance of tackling anti-social behaviour in order to ensure that communities are safe and that areas do not suffer because of a failure to act.
- 3) The licence holder and his nominated managing agent are required to respond appropriately to any complaints alleging nuisance or ASB which has been made either directly to them or via Newcastle City Council.

Information relating to nuisance and ASB complaints and dealing with tenants causing problems has been developed by Newcastle City Council Private Rented Service. The information gives landlords a step by step procedure which they can follow to deal with the problem and work alongside their tenant to resolve whatever issue is causing the problem.

If you are concerned about the behaviour of one of your tenants, or your tenants are experiencing anti-social behaviour from any other properties, or you would like more information on procedures to deal with ASB, please contact the Selective Licensing Team and we will be happy to work with you.

Appendix 1

A Quick guide to the Housing Act 2004 Housing Health and Safety Rating System.

The Housing Act 2004 came into force on 6th April 2006. All inspections of properties will be carried out using the Housing Health and Safety Rating System. This is the evaluation of the potential risks to health and safety from any defects in dwellings. The Rating System lists 29 hazards. These are arranged in four main groups reflecting basic health requirements. (See below)

Inspections are designed to identify defects relating to any of these hazards and to the seriousness of each hazard. A calculation is carried out for each hazard to determine whether it is a Category 1 or 2 Hazard. **The Council must take action regarding Category 1 Hazards, but action may still be taken to deal with Category 2 Hazards.**

The Authority has the power to carry out work in default and to prosecute for lack of compliance with notices.

The courses of action available to authorities as regards either category of hazard are:

1. Serve an **Improvement Notice** requiring remedial works.
2. Make a **Prohibition Order** to close the whole or part of a dwelling or to restrict the number of permitted occupants.
3. Take emergency action.
4. Serve a **Hazard Awareness Notice**.
5. Make a **Demolition Order**.
6. Declare a **Clearance Area**.

1 and 2 above can be suspended in certain cases.

Please note: All properties requiring a Licence under Part II and Part III of the Housing Act 2004 will be inspected using the Housing Health and Safety Rating System within the period of the Licence.

Further information can be found at www.communities.gov.uk.

Hazards

1. Physiological

Hygrothermal Conditions

1. Damp and Mould Growth

Threats to health from increased prevalence of house dust mites and mould or fungal growths resulting from dampness and/or high humidity.

Dwellings should be warm, dry and well ventilated, and free from rising or penetrating dampness or persistent condensation.

2. Excess Cold

Threats to health from sub-optimal indoor temperature.

Structural thermal insulation should be provided to minimise heat loss. Heating should be provided such that all rooms can be adequately heated. This will generally mean that an adequate central heating system is required. Ventilation should be provided but draughts avoided.

3. Excess Heat

Threats to health from excessively high indoor temperature.

Structural thermal insulation should reduce excessive build up of heat due to solar gain.

Heating systems should be appropriate to the type of property and should be able to be properly controlled. Adequate ventilation should be provided.

Pollutants(non-microbial)

4. Asbestos (and MMF)

Threats to health due to the presence of, and exposure to, asbestos fibres and manufactured mineral fibres (eg. rockwool and glass fibre).

Asbestos has been incorporated into a range of building materials in the past. If it is in good condition and is not likely to be disturbed it is usually safer to leave in situ with appropriate labelling. Any work to, or removal of, asbestos must be carried out by a properly licenced contractor.

Unnecessary exposure to MMF's should be avoided.

5. Biocides

Threats to health from chemicals used to treat timber and mould growth.

Any use of chemicals must be controlled and the manufacturer's instructions followed. It may be necessary to re-house tenants while such work is carried out.

6. Carbon Monoxide and Fuel Combustion Products

This covers hazards resulting from the presence of excess levels of these gasses in the atmosphere within a dwelling.

Gas, oil and solid fuel burning appliances must be correctly installed and maintained. Rooms containing these appliances must be properly ventilated.

7. Lead

Threats to health from the ingestion of lead.

Some old paint may contain lead. If it is in good condition, it may be safer to overcoat with modern paint. Any removal of lead based paint must be carried out safely to remove all paint flakes or dust.

Old lead water supply pipes would only be required to be replaced if other building work is carried out.

8. Radiation

Threats to health from exposure to radon gas.

This is only of importance in areas of the country with high levels of ionising radiation. The north east of England does not fall in this category.

9. Uncombusted fuel gas

This covers the threat of asphyxiation resulting from the escape of fuel gas into the atmosphere within a dwelling.

Gas supply, installation and appliances should be maintained so as to ensure they are safe and not likely to become damaged.

Appliances should be correctly sited so that the risk of gas flames being blown out is reduced.

10. Volatile Organic Compounds

These are a diverse group of organic compounds including formaldehyde which are gases at room temperature. They are found in a wide variety of materials in the home, such as particle board, chipboard, plywood, paints, glues and solvents, and also from combustion of fuel.

If materials likely to emit VOC's are used during construction, alteration or maintenance, thorough ventilation is required.

2. Psychological Requirements

Space, Security, Light and Noise

11. Crowding and Space

This covers hazards associated with lack of space within the dwelling for living, sleeping and normal family/ household life.

Within the dwelling there should be sufficient space, with suitable layout, for the separation of different household activities.

As well as sufficient sleeping space there should be a living area of sufficient size for the household, and where possible outdoor space. This should be visible from within the dwelling and safely separated from public and neighbouring areas.

Baths/ showers and toilets should be in lockable rooms.

12. Entry by Intruders

This covers difficulties in keeping a dwelling secure against unauthorised entry and the maintenance of defensible space.

The dwelling should be capable of being secured against intruders which will make the occupier feel safer.

The use of window locks or deadlocks, burglar alarms, security lights and window grilles reduce the risk of an occurrence. Spy holes and chains on entrance doors are also helpful.

There should be a balance between security features and any associated increased risks from other hazards. For example, security measures can hamper or obstruct means of escape in case of fire, or may result in windows not being readily openable to provide ventilation.

13. Lighting

This covers the threats to physical and mental health associated with inadequate natural and/or artificial light. It includes the psychological effect associated with the view from the dwelling through glazing.

There should be sufficient natural light during daylight hours to living rooms and kitchens to enable normal domestic tasks to be carried out.

Adequate artificial lighting should be provided throughout the dwelling.

Windows should ideally be wide enough to provide for a reasonable view of the surroundings with sills in living areas low enough to allow a view to a seated person.

14. Noise

This covers threats to physical and mental health resulting from exposure to noise inside the dwelling or within its curtilage.

The dwelling should be able to protect the occupants from noise penetrating from outside the dwelling or from other dwellings, and between rooms in the dwelling.

3. Protection Against Infection

Hygiene, Sanitation and Water Supply

15. Domestic Hygiene, Pests and Refuse

This covers hazards which can result from poor design, layout or construction such that the dwelling cannot readily be kept clean. It also includes access into, and harbourage within the dwelling for pests and the inadequate and unhygienic provision for storing and disposal of household waste.

The design, construction and maintenance of the dwelling should enable it to be kept clean and prevent the build-up of dirt and dust.

The exterior of the dwelling should be free of cracks and unprotected holes, and the design should reduce means of access by pests.

There should be suitable provision for the storage of refuse awaiting collection.

16. Food Safety

This covers the threats of infection resulting from inadequacies in provision and facilities for the storage, preparation and cooking of food.

The design, layout and state of repair of the kitchen and of the facilities provided should make it relatively easy to maintain clean and hygienic conditions and to promote safe food practices.

17. Personal Hygiene, Sanitation and Drainage

This covers the threats of infection and the threat to mental health associated with personal hygiene. It includes personal washing and clothes washing facilities, sanitation and drainage.

Dwellings should have adequate sanitary accommodation and bath/ shower facilities. The facilities and the rooms containing them should be in good repair, properly heated, lighted and ventilated.

Sinks may be used for washing clothing as well as food preparation and should be capable of being cleaned.

All facilities should have adequate hot and cold water supplies as appropriate and be connected to the waste system, which should be kept in good repair.

18. Water Supply for Domestic Purposes

This covers the quality and adequacy of the supply of water within the dwelling for drinking and for domestic purposes.

Ensure a constant supply of mains water at adequate pressure for the dwelling. In multi-occupied buildings there is a greater risk from Legionella and it may be appropriate to get further advice and carry out checks on a regular basis.

4. Protection Against Accidents

Falls

19. Falls associated with Baths etc

This includes any fall associated with a bath, shower or similar facility.

As well as the condition of the facilities and appliances, the layout and functional space is important. The space should be sufficient for more than one person which will allow for a parent to help a child or a carer to help an elderly person using the bathroom.

20. Falls on the Level

This covers falls on any level surface such as floors, yards and paths. It also includes falls associated with trip steps, thresholds or ramps where the change in level is less than 300mm.

Floor surfaces should be in good condition and repair to reduce the risk of tripping and slipping.

External paths etc should be well drained to prevent water ponding, and all areas should have adequate lighting.

Each room and part of a dwelling should have sufficient space and be laid out so as to allow for manoeuvring by occupants without slipping.

21. Falls associated with Stairs and Steps

This covers any fall associated with internal and external stairs, steps and ramps where the change in level is greater than 300mm (including fire escapes). It includes falls over guarding (balustrades) associated with the stairs, steps or ramps but does not include falls over guarding to balconies or landings or where the change in level is less than 300mm.

Stairs, steps and ramps and their associated guarding must be kept in good order. Adequate lighting is important, especially at the top and bottom of staircases.

Radiators, coat hooks or other similar items at the base of staircases and likely to cause injury in the event of a fall should be avoided.

22. Falls between Levels

This covers falls from one level to another, inside or outside a dwelling where the difference in level is more than 300mm. It does not include falls from furniture or ladders.

All landings and balconies should be in good repair and have guarding of appropriate height.

Windows above ground floor level should be fitted with catches or limiting devices to restrict opening. These should be able to be overcome in case of fire.

5. Electric Shocks, Fires, Burns and Scalds

23. Electrical Hazards

This covers hazards from shock and burns resulting from exposure to electricity. It does not include risks from fires caused by deficiencies to electrical installations.

Electrical installations and fixed appliances should be inspected to identify obvious defects. A Residual Current Device (RCD) can provide additional safety.

Additional precautions are necessary in bathrooms, kitchens or other areas where occupants could be in contact with water and electricity.

24. Fire

This covers threats from exposure to uncontrolled fire and associated smoke. It includes injury from clothing catching alight in the case of an uncontrolled fire but not injury from clothing catching alight due to proximity to a controlled flame.

The design, construction and condition of a dwelling should limit the chances of carelessness starting a fire, limit the spread of fire and provide safe and ready means of escape.

It is always advisable to discuss the requirements for fire precautions with the local authority and/or the Fire Brigade.

25. Hot Surfaces and Materials

This covers threats of burn injuries caused by contact with a hot flame or fire and contact with hot objects, and scald injuries caused by contact with hot liquids and vapours. It includes burns caused by clothing catching alight from a controlled flame.

Open flames and surfaces likely to cause injury should be guarded.

Mixer valves for taps could be considered if stored hot water is at very high temperature.

Kitchens should be of adequate size and layout so that cookers and work surfaces are away from thoroughfares, and cookers should be properly installed, stable and securely placed.

6. Collisions, Cuts and Strains

26. Collision and Entrapment

This includes the risk of physical injury from trapping part of the body or from striking (colliding with) objects.

Windows and doors should be kept in good working order and should be capable of being operated without danger.

Gaps in banisters etc over 100mm could allow a child to become trapped and these should be guarded.

27. Explosions

This covers the threat from the blast of an explosion, from debris generated by a blast and from the partial or total collapse of a building as the result of an explosion.

All potential sources of explosion within the dwelling or its curtilage should be correctly installed and maintained on a regular basis.

28. Ergonomics

This covers the threat of physical strain associated with functional space and other features.

The layout of the dwelling and in particular the kitchen and bathroom should be such as to make use convenient and easy, as well as safe, and should facilitate cleaning.

29. Structural Collapse and Falling Elements

This covers the threat of the whole dwelling collapsing, or of an element or part of the fabric being displaced or falling. Structural failure may occur internally or externally threatening occupants or members of the public.

Visual inspection of the dwelling will provide indications of deficiencies likely to contribute to this hazard. However, it may be necessary to commission investigation by a structural engineer.

Appendix 2

Common HHSRS defects in the High Cross Area.

1. Kitchen Facilities

Facilities for the preparation, cooking and storage of food must be safely and conveniently laid out. The kitchen must be of adequate size for the number of occupants to ensure it can be used in safety.

The following amenities must be provided:

10. Adequate cupboard/drawer space for the storage of food and equipment.
11. An adequate fixed work surface for the preparation of food, being non-absorbent and capable of being easily cleaned.
12. A fixed sink comprising at least a bowl and single drainer within a base unit, and provided with an adequate supply of hot and cold running water.
13. Provision for the installation of a cooker, usually being a 30 amp electric cooker point or a gas point, with sufficient space available adjacent to the point for the fitting of an oven and hob.
14. Walls adjacent to preparation and cooking area are to be capable of being easily cleaned.
15. There should be sufficient space for the fitting of a refrigerator or fridge/freezer.
16. All units and any appliances provided must be in good repair and in good working order.
17. There should be an adequate number of suitably located electric power points for the safe use of kitchen appliances.
18. Suitable means of mechanical extract ventilation to the kitchen.

2. Energy Efficiency

All rented properties with a new tenancy from 1st Oct 2008 are required to have a valid Energy Performance Certificate [EPC]. An EPC is valid for 10 years. Where applicable a copy of a valid EPC must be provided with each licence application.

All habitable rooms must be provided with adequate and suitable fixed space heating appliances or a controllable central heating system. If a hot water cylinder forms part of the heating system it must be properly lagged with a suitable jacket. All hot water pipes must also be lagged. Ideally the Licence holder must also ensure that the property has at least two of the following energy efficiency measures:

- vii) Double glazing
- viii) Energy efficient central heating boiler.
- ix) Cavity wall insulation
- x) Draught-proofing
- xi) Radiator thermostats
- xii) Low energy light bulbs throughout. (It is the licence holder's responsibility to provide replacement energy efficient light bulbs.)

3. Security

All properties must have adequate security provisions.

- All external doors and frames must be of sound construction and be well maintained and fitted with five lever BSI mortise locks, unless they are multi-point locking UPVC, with a 200 mm barrel bolt or similar to be fitted to the rear door.
- A door viewer and/or door chain should be provided to the front door.
- Window locks should be fitted to all ground floor and vulnerable first floor windows. Keys must be available for use by the tenants.
- The rear boundary of the property must be maintained to ensure it is secure and in good repair at all times and, where fitted, lane gates/doors must be provided with a suitable locking device.

Other security provisions may be accepted if the same level of security can be provided. Contact the selective licensing team for further advice and guidance.

4. Fire Precautions

- When an inner room (a room where the exit route would be through another room) is a habitable room (e.g. a bedroom or living room) on the ground or first floor then an escape window must be provided. This must comprise an unobstructed opening that has an area of at least 0.33 m² with no dimension being less than 450 mm and with a cill height between 800-1100 mm from the floor. For use in an emergency an additional key for the locking device must be permanently available from within the room. On second floors or higher, escape windows are not acceptable and a protected route will be required; please contact the Selective Licensing team for advice.
- All inner rooms must be fitted with a 30 minute fire door hung on one and a half pairs of high melt point hinges and be complete with intumescent strips. A closer must be fitted to the door which is adequate for the size and weight of the door, the closer to be adjusted to ensure that the door closes smoothly and quietly into the rebate of the doorframe overcoming any latching device. All doors must fit correctly into the frame. Any lock or latch must be sleeved in intumescent material.
- All other rooms should be fitted with sound, well constructed, and close-fitting conventional doors.
- Polystyrene tiles must not be fixed to any ceiling or wall.
- The escape route should not pass through any high risk rooms e.g. kitchen.
- A suitable fire blanket must be provided in all kitchens at suitable locations.

Where the property has a useable basement/cellar:

- Thirty minutes fire separation must be provided between any basements/cellars and the ground floor. This can be achieved by fixing 12.5 mm plasterboard with a 3 mm skim coat maintained in sound condition.
- A hardwired interlinked smoke alarm with integral battery back up must be fitted in the basement/cellar.

5. Refuse Provisions

A suitable bin or bins for the disposal of refuse must be provided at the property at the commencement of each tenancy. Information regarding collection arrangements must be provided to the tenant. Appropriate steps should be taken to ensure tenants dispose of waste in an appropriate manner.

