

Proposals to introduce new property licensing schemes in Bristol

Information Booklet

[www.ask.bristol.gov.uk/
property-licensing-2023](http://www.ask.bristol.gov.uk/property-licensing-2023)

Consultation closes
Tuesday 7 November 2023



Consultation - Proposals to introduce new property licensing schemes in Bristol

1. Background information

- 1.1. We are consulting on proposals to introduce two new property licensing schemes for private rented sector (PRS) housing. The consultation will close on Tuesday 7 November.
- 1.2. The Housing Act 2004 allows local authorities to require landlords of some privately rented accommodation to license their properties. Licensing can be applied to specific areas of the city where evidence suggests there is poor quality private rented housing.
- 1.3. We already operate the national mandatory licensing of larger Houses in Multiple Occupation (HMOs), which targets privately rented properties with five or more unrelated people, living together, and sharing some facilities including kitchens and bathrooms.
- 1.4. Under the Housing Act the local authority also has the powers to introduce two other types of property licensing – **additional licensing** for smaller HMOs where only three or four people are sharing, or **selective licensing** for other types of privately rented accommodation including properties rented to individuals, couples, or families.
- 1.5. The recently published report [National statistics: English Housing Survey 2021 to 2022: private rented sector](#) found:
 - 14% of private rented sector homes, or 615,000 occupied dwellings, are estimated to contain a [Category 1 hazard](#) (for example severe damp and mould) This is higher than for social rented (4%) or owner occupied (10%) dwellings.
 - Private rented homes were more likely to be non-decent than owner-occupied homes.
 - Private rented homes were more likely to have damp than all other tenures. Almost 11% (465,000 dwellings) of private rented homes had dampness compared with 4% (177,000 dwellings) of social rented homes and 2% (262,000 dwellings) of owner-occupied homes.

2. The proposal

- 2.1. Scheme 1: To introduce a citywide additional licensing scheme under Section 56 of the Housing Act 2004, where most HMOs not already subject to mandatory licensing will need a licence.
- 2.2. Scheme 2: To introduce a selective licensing scheme in Bishopston and Ashley Down, Cotham and Easton wards under Section 80 of the Act, where most other types of privately rented accommodation in these areas will need a licence.
- 2.3. Some types of properties are exempt from licensing and are excluded from these proposals. See Appendix 1 for the full list of excluded properties.

3. Scheme 1: Additional licensing

- 3.1. The Housing Act gives powers to the local authority to designate areas, or the whole city, as subject to additional licensing in respect to HMOs that are not already subject to mandatory licensing.
- 3.2. Under section 56(2) of the Act, before introducing additional licensing, the local authority must be confident that a significant number of HMOs, that would come under the scheme, are not being managed effectively, resulting in one or more problems either for tenants or for members of the public.

In Bristol we have evidence that this is the case, and the council believe that introducing additional licensing, will significantly help to deal with the problems that result from the poor management of HMOs in the area.

- 3.3. Some types of property are excluded from the proposals. We have added poorly converted blocks of flats, and any properties approved under section 233¹ of the Act and student accommodation registered with ANUK (Accreditation Network UK) to the mandatory exclusions.
- 3.4. By introducing a citywide additional licensing scheme, the council would aim to improve poor management, and its associated problems, for the occupants of the HMO. Poor management practices in HMOs will be improved by inspecting every property during the licensing period to identify serious hazards. The council can then use its enforcement powers to correct these issues and to ensure compliance with licensing conditions and other legal requirements (see Appendix 3).

4. Evidence for an additional licensing scheme

- 4.1. In Bristol, although many landlords provide a good standard of accommodation and service to their tenants, there are a large number who do not. Given the demand for housing in the city, some landlords are taking advantage of those who have the least choice in the market, due to their personal circumstances. Substandard and poorly managed accommodation can have a detrimental effect on the health, safety, and welfare of the occupiers.
- 4.2. The Building Research Establishment (BRE), who are the leading experts in stock modelling, were asked to provide a report on the conditions of the private housing stock in Bristol with a focus on the private rented sector stock. The report has identified potentially significant issues in the areas we wish to apply additional or selective licensing in.
- 4.3. The local authority also receives complaints about the conditions and management practices in properties in the private rented sector which adds to the evidence base.
- 4.4. HMOs account for an estimated 24% (13,349) of the private rented sector stock in Bristol. Some of these properties are already licensable under the national mandatory licensing scheme, but the majority are smaller HMOs that would meet additional licensing criteria under this proposal.
- 4.5. HMOs that already have additional licences will be required to re-license once their existing licence has expired.
- 4.6. Some of the worst evidence of poor management of a property are poor conditions, poor amenities and overcrowding, which negatively impact the health, safety, and welfare of the occupants.

¹ which includes larger developments of student accommodation not managed and controlled by educational establishments such as universities

- 4.7. The BRE has identified that HMOs are more likely to have higher levels of disrepair, excess cold, fall hazards and fuel poverty compared to non-HMOs. It shows that HMOs have lower energy efficiency levels compared to non-HMOs.
- 4.8. A property that is not maintained to a satisfactory standard, or properly insulated, can be harder to heat as costs are higher. In turn this can lead to ill health and damp and mould issues.
- 4.9. In the last five years 19% (3,195) of all complaints received by the Private Housing Service relate to HMOs, with issues including; poor management and property conditions, illegal evictions, harassment, and nuisance.
- 4.10. Sometimes tenants making complaints about their accommodation can be at risk of retaliatory eviction. Licensing will enable us to be proactive and to inspect all the HMOs during the licensing period, to deal with the issues that we encounter, without the tenant having to make a complaint and put themselves at risk of retaliatory eviction. When a property requires a licence and there isn't one, tenants are protected from section 21 notices / no fault notice seeking possession.
- 4.11. We will work with our partners in the planning, noise, and waste teams to address issues which, if left unchecked, can impact on the local community especially where there are high concentrations of HMOs.
- 4.12. Many smaller HMOs have not come under any previous licensing scheme. Considering our experiences of mandatory and previous additional licensing schemes, together with the data supplied by the BRE report, we would expect to find a significant number of HMOs that do not meet licensing or minimum housing standards. The council is unaware of the location of some unlicensed HMOs unless a tenant or resident complains about the condition or poor management practices from the building.

5. Scheme 2: Selective licensing in three wards

- 5.1. Section 80 of the Housing Act gives powers to the local authority to apply selective licensing to areas, or the whole city, provided certain conditions are met. See Appendix 5.
- 5.2. Under this proposal most privately rented properties, not included under mandatory or additional licensing schemes operating in Bristol, would be required to be licensed in the wards of Bishopston and Ashley Down, Cotham and Easton.
- 5.3. The **Act** sets a maximum threshold for selective licensing of either 20% of the geographic area or 20% of privately rented homes. If the 20% threshold is exceeded, an application to the Secretary of State is required. Under both definitions, our proposal meets the general approval and does not require Secretary of State approval to proceed.
- 5.4. The three wards proposed in scheme 2, together with the current selective licensing schemes in Bedminster and Brislington West wards, account for less than 20% of the geographical area of Bristol with a combined area of 10,451 square kilometers. The total area of Bristol is 111,598 square kilometers. The 20% geographical threshold of 22,320 square kilometers has therefore not been exceeded.
- 5.5. The three wards in scheme 2, together with the current selective licensing schemes in Bedminster and Brislington West wards, cover a total of 8,511 private rented properties based on Census 2021 figures. The Census shows there are 50,219 private rented properties in Bristol. The 20% threshold of 10,044 has therefore not been exceeded.

5.6. There are certain conditions that must be met to designate a selective licensing area. One or more of the following conditions must be met:

- Low housing demand.
- A significant and persistent problem caused by anti-social behaviour.
- Poor housing conditions.
- High levels of migration.
- High levels of deprivation.
- High levels of crime.

5.7. Under this proposal we are considering implementing the new scheme on the ground of poor housing conditions.

5.8. Evidence from the BRE report indicates that in the three wards of Bishopston and Ashley Down, Cotham and Easton, a significant number of private rented accommodation is in poor condition, affecting the health and safety of the occupants with higher-than-average levels of category 1 and 2 hazards and disrepair.

5.9. It is therefore considered appropriate for properties in these areas to be subject to selective licensing, and be inspected to assess their condition, with appropriate action taken where serious hazards (category 1 or 2) exist.

5.10. Finally, a local authority can only make a designation if the area has a high proportion of housing in the private rented sector. Nationally the private rented sector currently makes up 19% of the total housing stock in England. Based on Census 2021 figures the private rented sector levels in each of the wards is in excess of 19% - Bishopston and Ashley Down 31%, Cotham 50.1%, and Easton 32.7%.

5.11. The introduction of selective licensing would improve property conditions that could impact on the health and safety of the occupants. Properties will be inspected during the licensing period, prioritising those with the likelihood of worst conditions and presence of serious hazards. Where poor conditions are found, action will be taken to identify and rectify

issues, and where appropriate using relevant enforcement powers to bring these properties up to the licensing standards.

6. Outcomes from previously declared licensing schemes:

6.1. Stapleton Road Selective and Additional Licensing Scheme

The first discretionary licensing scheme (selective and additional licensing) ran from 15 April 2013 to 14 April 2018. The scheme was set up to help tackle anti-social behaviour (ASB) and a proactive and collaborative approach was taken, working with several stakeholders to achieve the scheme objectives. In summary, the outcomes of the scheme were:

- 1,207 properties were licensed.
- 396 (33%) properties had at least one serious hazard resolved.
- 845 (70%) required improvements to meet licensing conditions.
- 665 formal and informal notices were served.
- 10 landlords were prosecuted for 37 offences.
- 204 referrals were made to other agencies and departments. Working with other agencies there was a property closure due to prostitution, drug use and dealing, fire damage and disrepair. The licensing team assisted with evidence for a conviction for human trafficking offences.

6.2. Eastville and St George Selective and Additional Licensing Scheme

The Eastville and St George (wards), selective and additional licensing scheme ran from 1 July 2016 to 30 June 2021. The scheme objectives were to improve housing standards and management of private rented properties in the two wards. The scheme delivered

significant improvements to private-rented housing standards including:

- 3,316 licences were issued.
- 3,409 inspections were conducted.
- 3,019 (88%) properties were improved to meet licensing standards.
- Four prosecutions were undertaken, and 10 civil penalty notices issued, totalling more than £62,000.
- 752 informal and formal notices were issued to resolve serious hazards.
- 675 properties had fire safety improvements made.

6.3. Central Additional Licensing (CAL) Scheme

The Central Additional Licensing Scheme covers smaller HMOs in the twelve central wards of the city. The scheme started on 8 July 2019 and will run until July 2024. Despite the impact of Covid-19, which started around eight months into the scheme, things are progressing, although slightly behind target for inspections. As of 31 March 2023, the outcomes have been:

- 2,157 inspections completed of the 3,441 properties where licence applications have been made.
- And from those inspections we found that:
 - ◊ 2,020 (94%) properties failed to meet licence conditions during the inspection.
 - ◊ 1,644 (76%) properties were found to be breaching HMO management regulations.
 - ◊ Fire safety has been improved in 1,115 (52%) of properties.
 - ◊ Five Civil Penalty Notices were served for failure to licence a property, meet the conditions, or manage it in accordance with the regulations.
 - ◊ Where remedial works have been required, the licensing team is working with landlords to ensure these works are completed on time.

6.4. Bedminster, Brislington West and Horfield Licensing Scheme

This scheme was approved by Cabinet on 14 December 2021 and came into force in April 2022. An additional licensing scheme was approved for all three wards and a selective licensing scheme in Bedminster and Brislington West wards. The scheme is still very much in its infancy and is not yet possible to measure its effectiveness.

- 6.5. Given the outcomes from the three previously declared schemes, we expect the schemes under this proposal to have similar outcomes.

7. Bristol Living Rent Commission report

- 7.1. The [Bristol Living Rent Commission report](#), written by the University of Bristol, endorses the council's firm stance against poor property and management standards in private renting, and recommends that licensing could be part of a firm stance towards improving standards in the private rented sector.
- 7.2. Research for the Bristol Living Rent Commission report shows that poor living conditions and disrepair are frequent issues raised by tenants. Poor living conditions affect quality of life, health, and wellbeing. Mould, damp, and plumbing were the most common property issues faced by tenants renting privately in Bristol.
- 7.3. The introduction of these licensing schemes would result in an improvement in property conditions and management of the private rented properties through the powers of enforcement under section 3(1) of the Housing Act and compliance with license conditions.
- 7.4. Licensing enables tenants to become more aware of the standards that they should expect in their accommodation, and allows them to raise issues with the council without fear of any retaliatory action by the landlord.

8. Alternative options considered

8.1. The Housing Act 2004 legislation and guidance says the council must consider whether there are any alternative courses of action available that could provide an effective method of dealing with the problem, or problems, in the private rented sector in the proposed areas. As part of research we have considered the following options:

8.2. Responding to complaints: The council responded to 4,028 complaints from private tenants about problems in their homes across the city in the last five years. However this type of approach alone has its limitations, because:

- Not all tenants are aware of the Private Housing service.
- Some tenants do not report problems because they are afraid it will jeopardise their tenancy and their home.
- Complaints can only be used to enforce minimum legal standards (as opposed to licensing, where more than just the legal minimum can be required through the licence conditions).
- The cost of providing a comprehensive response service for managing and responding to private tenant complaints is significant given the size of the private rented sector in Bristol. With the reductions in central government funding to government departments from 2025, it is likely that there will also be reductions to local authorities funding allocations. This is likely to impact on the council's ability to deliver a comprehensive complaint response service.
- Just dealing with reactive complaints alone will not be enough to tackle the issues in these areas and will not significantly improve the standards and management of private rented sector properties.
- Individual complaints outside of licensing schemes will continue to be dealt with through the complaints approach.

8.3. Mandatory licensing: A city-wide mandatory licensing scheme has been in operation since 2006. This accounts for approximately 3,500 larger HMOs where there are five or more unrelated occupants, sharing some facilities. Mandatory licensing alone is not considered the most satisfactory course of action as it will not improve the standards and management of smaller HMOs or the other privately rented properties, or tackle the issues facing the private rented sector in the proposed areas.

8.4. Self-Regulation – Rent with Confidence Scheme: This is a voluntary scheme for landlords and agents to join and agree to meet at least minimum housing standards and good management practice in their properties. These types of initiatives are important and form part of the wider plan to improve standards and conditions in the private rented sector. However, as this is a voluntary scheme it does not attract those landlords and agents who continue to mismanage their properties or fail to meet their legal obligations. The council does not believe it will be as effective as the proposed licensing schemes.

8.5. Co-regulation: Co-regulation is a relatively new concept with a limited number of schemes in operation, which has raised issues of effectiveness and affordability. It is a voluntary scheme where the local authority works in partnership with an accreditation scheme, or another organisation, to establish a framework under which responsibilities for the management of properties are shared. There are risks associated with this type of scheme. It is not compulsory and is dependent on landlords volunteering to join the scheme and complying with its conditions.

- These schemes have very limited sanctions if a landlord chooses not to comply with the rules. When this occurs, the local council will then be required to inspect the property(s) and take action, where appropriate. This will introduce a further tier of administration, potential

delays in responding and result in the council incurring additional costs. Co-regulation has only been used to enforce minimum legal standards (compared to licensing, where licence conditions also need to be met).

- These schemes need to be funded to pay for the necessary resources to run, and the funding mechanism is unclear.
- A co-regulation approach to tackle the issues in the proposed areas is not considered the most satisfactory course of action as it will not significantly improve the standards of management and condition of the properties within the proposed area.

9. Why selective and additional licensing is the preferred option

- 9.1.** Selective and additional licensing will have a positive impact on the management and condition of privately rented properties for the following reasons.
- Licensing provides confidence and assurance to existing, or prospective, tenants that licensed properties are well managed and safe to occupy.
 - All properties with a licence will be inspected. If a landlord doesn't have a licence when they should, we will undertake an investigation and if they still don't apply, we will take action against them.
 - Using the additional licensing powers under the Housing Act 2004 will ensure that there are satisfactory management practices in place and that the landlord/manager is a fit and proper person (Appendix 6) to be granted a licence. It will also reduce a tenant's fear of retaliatory eviction or harassment.
 - Licensing conditions will also enable the council to deal with issues where there are no other minimum legal powers available to tackle the issue.
 - The council will require that licensable properties meet certain standards and landlords will need to ensure that their properties are well managed and safe. If they don't meet the licensing conditions, they may be breaking the law and could be prosecuted or be subject to a Civil Penalty Notice (CPN).
 - Through property licensing conditions the council will be able to work with landlords/agents/owners to deal with other issues in the area such as empty properties, overcrowding, and anti-social behaviour.

- The council will work with landlords, agents, and private tenants, offering support and guidance.
- The council believes that licensing properties in the proposed areas will have a positive impact on private tenants living in these properties as it will raise standards of management and conditions of their homes through inspection and increased regulation. This will also benefit landlords who are already compliant and put at a competitive disadvantage by non-compliant landlords in the same area.

9.2. Having considered the issues and problems identified in the proposed areas and the resource restraints, the council believe a licensing scheme (funded through licence fees), will provide the council with the necessary resources to ensure privately rented properties in the proposed area meet the licensing standards.

10. Licence fees

- 10.1.** The Housing Act 2004 allows councils to set a fee for property licences and says that the council may consider all costs incurred by the authority in carrying out the licensing function. The council cannot make a profit from licence fees. The table in Appendix 7 sets out the proposed fees for additional and selective licensing.
- 10.2.** The fees proposed are for a licence which will normally last for five years and the fee is fixed for the five-year period. There are no other costs or fees to pay.

11. Responsibilities: A duty to apply for a licence and comply with licensing conditions

- 11.1.** Once a scheme has been declared, owners/managers of properties that meet the licensing criteria must apply for a licence when the scheme goes live. Those who fail to apply for a licence face enforcement action and possible financial penalties for renting an unlicensed property.
- 11.2.** It is particularly important that landlords are made aware that it is a criminal offence to operate a licensable property without a licence. This could result in unlimited fines or a civil penalty of up to £30,000, together with other restrictions such as not being able to serve section 21 notices while unlicensed, and tenants being able to claim back rent paid whilst the property was unlicensed.
- 11.3.** Once a property is licensed, landlords and managers must comply with the conditions of the licence. These conditions are slightly different for additional and selective licences and can be found in full at Appendix 3 and Appendix 4.
- 11.4. Legal obligations** - The Housing Act 2004, together with other relevant legislation and regulation, sets out the legal requirements for landlords in relation to renting private properties and licensing. These can be found at Appendix 8.

12. Other actions being taken to improve the private rented sector in Bristol

12.1. Reduction in empty private homes:

Bristol has a very successful programme of reducing empty homes and bringing them back into use. Most properties bought back into use have gone into the private rented sector, so it is important that they meet current property and management standards. We work with the Empty Property team to make sure that the landlords of these properties are made aware of their duties as landlords and that the properties meet minimum standards when brought back onto the market.

12.2. Homelessness prevention: The Bristol City Council Homelessness and Rough Sleeping Strategy 2019 - 2024 aims to use early intervention and prevention as a method to tackle problems before they become a crisis. It also aims to provide more move-on accommodation, including the use of the private rented sector, and bringing empty properties back into use, to provide more affordable accommodation.

- Shelter has carried out research into homelessness in relation to Bristol's private rented sector. The research identified that some private tenants who have previous experience of being homeless feel that they have no choice but to put up with poor conditions and harassment from their landlords. This is because they have nowhere else to go and their housing options are very limited, given their financial or personal circumstances.

- Many tenants find it difficult to find somewhere to live in Bristol and were willing to go to great lengths to remain in their private rented accommodation despite the property having serious problems. People with children or those who were receiving housing benefit found it particularly difficult to rent.

- The Private Renting Team provide accommodation to help prevent homelessness in Bristol. If a landlord agrees to work with them by providing the whole property to let, the landlord will be entitled to a licence fee refund from them.

12.3. The Bristol Corporate Strategy 2022-

2027: The strategy recognises that a warm, secure affordable home provides a springboard to achieving a high-quality life. It acknowledges that the private rented sector continues to grow, bringing issues such as the insecurity of short-term tenancies and for some poor conditions or tenancy management. The strategy brings together representatives of different housing sectors at the Bristol Homes Board to provide leadership across a range of housing issues, including making improvements to the private rented sector.

12.4. Bristol's One City Plan: Under the theme of Housing and Communities in the One City Plan is the aim to raise standards in the private rented sector through the introduction of discretionary licensing schemes.

12.5. Bristol City Council Business Plan 2023-2024: Under this plan, the council has a stated action to: "Work to improve conditions in the private rented sector through the expansion of property licensing and robust enforcement of minimum standards."

13. Consultation

- 13.1.** The consultation period will run for 10 weeks from Tuesday 29 August to Tuesday 7 November 2023. We welcome feedback from anyone who may be directly affected, and members of the public. Please visit www.ask.bristol.gov.uk/property-licensing-2023 for more information and to complete the online survey.
- 13.2.** All consultation responses will be considered and analysed, and information regarding the findings will be made available in due course. These findings will be taken into consideration before deciding which option to take to the council's Cabinet to declare a new scheme(s).
- 13.3.** Any report to Cabinet, and its decision will be published, and if a scheme is approved, it cannot come into force for a minimum of three months following the Cabinet decision.

14. Appendix 1: Types of properties that are exempt from licensing

Exemptions from additional licensing

Certain types of buildings, or parts of buildings, are by law **not** subject to HMO licensing. ([Schedule 14 of the Housing Act 2004](#)).

This includes:

- buildings managed or owned by public sector bodies. (i.e., local authority housing, and properties managed or owned by registered providers previously known as registered social landlords, police authorities, fire and rescue authorities and the NHS).
- where the residential accommodation supports the principal use of the building i.e., caretaker accommodation.
- buildings occupied by religious communities for religious purposes.
- student accommodation managed and controlled by educational establishments such as universities.
- care homes.
- bail hostels.
- hostels - the description of which are specified by law.
- buildings entirely occupied by freeholders or long leaseholders.
- buildings occupied by owners.
- buildings occupied by no more than two, unrelated people.
- buildings occupied by a resident landlord with no more than two lodgers.
- buildings which are Housing Co-operatives.

NB There are currently draft regulations which will remove some accommodation for asylum seekers provided by the Home Office from being included within the legal definition of an HMO, if implemented this may affect a small number of properties in Bristol. The same properties may still require a selective licence if they are in a relevant ward.

Exemptions from selective licensing

Certain types of accommodation would not be subject to selective licensing (Selective licensing of Houses (Specified Exemptions) (England) Order 2006 SI 2006/370).

This includes:

- properties occupied by owners.
- accommodation where the tenant is a family member.
- property managed or owned by public sector bodies i.e., social housing.
- business premises.
- student accommodation owned by a university.
- holiday lets.
- empty properties.
- any property where the landlord already holds an HMO licence.

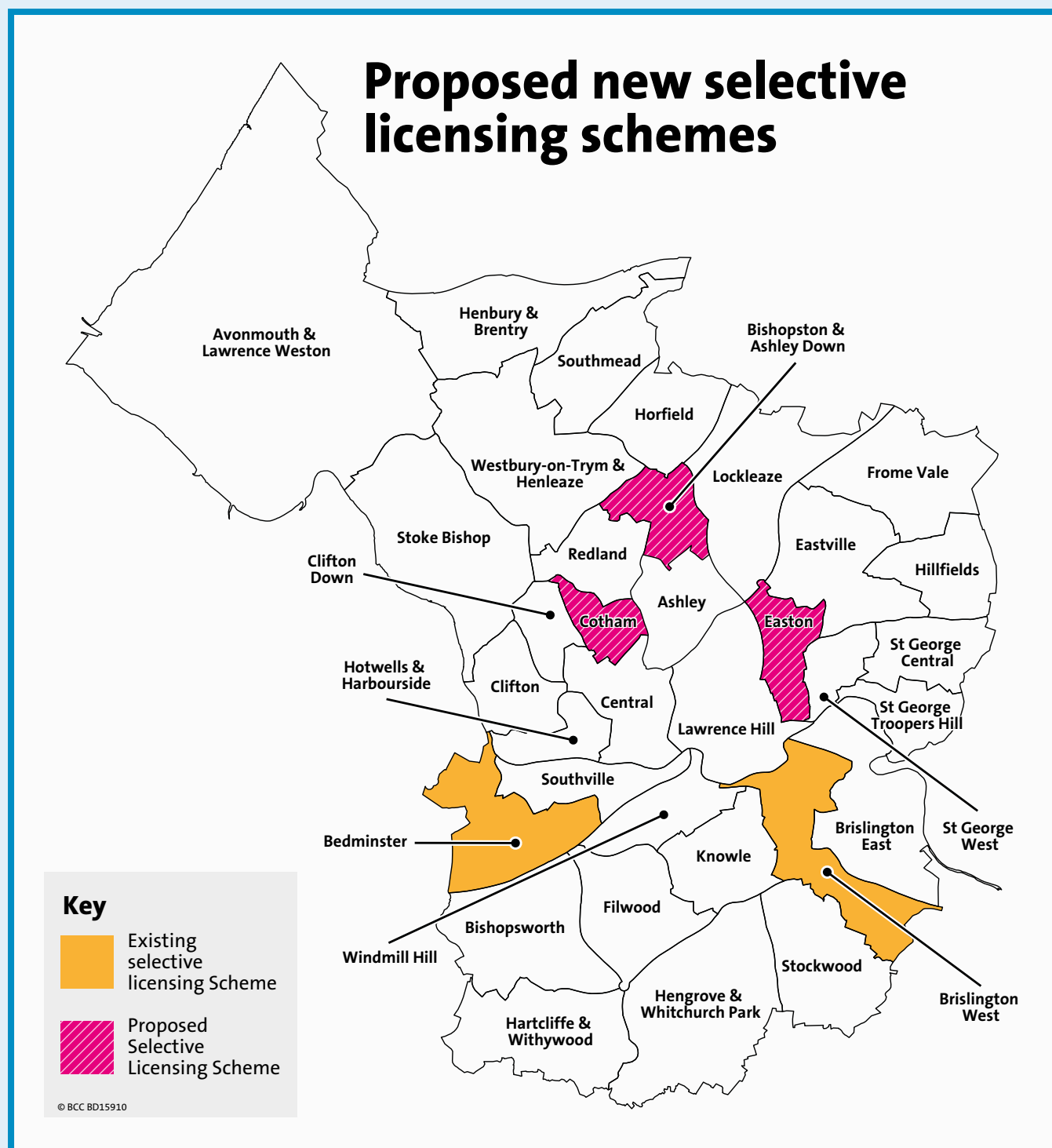
We will also exempt from this scheme any poorly converted blocks of flats, as defined under section 257 of the Housing Act 2004, as well as any properties approved under section 233 of the Act, which includes larger developments of student accommodation not managed and controlled by educational establishments such as universities.

Purpose build student accommodation registered with the national accrediting body ANUK is already closely regulated regarding standards so is excluded from this proposal.

All other private rented units occupied by students will require a license.

15. Appendix 2 – Wards

[Find my ward](#)



16. Appendix 3 licence conditions – additional licensing

The following licence scheme conditions apply both to the licence holder and to any manager who has accepted responsibility under the licence.

1	Professionalism and standard of conduct
1.1	<p>Reasonable and equitable standard of conduct Conduct business with regard to the property and the tenancy in a reasonable and equitable manner and in accordance with applicable standards of due diligence.</p>
1.2	<p>'Fit and Proper Person' declarations Any person involved in or becoming involved in the management of the property after the licence date must be a fit and proper person¹ and must supply the Council on demand² with a completed 'declaration in respect of a fit and proper person' form for each individual involved.</p>
1.3	<p>All agents to be members of statutory schemes Where the licence holder or manager is a letting or property managing agent, they must be a member of statutory schemes such as the Lettings and Management Agent Redress Scheme and the Client Money Protection Scheme.</p>
1.4	<p>Licence holder and manager agreements Provide to the Council, on demand² a copy of any written agreement between the licence holder(s) and property managers, which sets out responsibilities for the management of the property. These might include arranging tenancies, managing complaints and repairs, setting up tenancy deposits, taking the inventory, visiting the property.</p>
1.5	<p>Anti-discrimination Landlords and Agents must not discriminate either directly or indirectly against tenants or prospective tenants on the basis of a protected characteristic¹¹. This includes discrimination against people because they are in receipt of welfare benefits i.e. Universal Credit.</p>

2	Keeping the Council informed of changes
2.1	<p>Any changes in licence holder Notify the Council in writing³ of any change to the name, address, or any other contact details (including email address) of the licence holder, manager or any other person involved in the management of the property, within 14 days of that change or on demand².</p>
2.2	<p>Any changes in property layout or room numbering Do not make alterations to any aspect of the layout of the property, or the numbering of rooms, without first gaining written consent from the Council. Requests should be made in writing to the Council³ and include a full description of the proposed changes.</p>
2.3	<p>Any changes to the way the property is occupied Any proposed changes to the way the property is occupied should first be submitted to the Council³ to determine any consequent need for alterations to the required levels of amenity provision or the permitted number for the property.</p>
2.4	<p>If occupation rises above the permitted numbers If the occupation of the property rises beyond the maximum permitted number, inform the Council³ in writing within 28 days of the over occupation occurring.</p>

3	Repair and maintenance
3.1	<p>Property repair timescales</p> <p>As far as is reasonably practicable keep within the following timescales in responding to information about disrepair and maintenance issues at the property:</p> <ul style="list-style-type: none"> • Emergency repairs: 24 hours (affecting health or safety e.g., dangerous electrical fault, blocked W C, no hot water, etc.). • Urgent repairs: five working days (affecting material comfort e.g., no heating or fridge failure, serious roof leak, etc.) • Other non-urgent repairs: within a reasonable period taking into account the extent and cost of the works required and any disruption for the occupiers.
3.2	<p>Facilities and equipment</p> <p>Facilities and equipment must be kept in a safe condition and good working order.</p>
3.3	<p>Asbestos and Legionella</p> <p>Comply with current statutory requirements relating to the safe management of the following:</p> <ul style="list-style-type: none"> • any asbestos containing materials⁴, and • Legionella species risks⁵.
3.4	<p>Pest control</p> <p>Employ a competent pest control contractor to carry out appropriate treatments to any pest infestation.</p>

4	Gas and electrical safety
4.1	<p>Gas safety certificate</p> <p>If gas is supplied to the house, supply to the Council³ annually for their inspection, a satisfactory and genuine gas safety record obtained in respect of the house within the last 12 months.</p>
4.2	<p>Carbon monoxide alarm</p> <p>Install a carbon monoxide alarm in any room (includes a hall or landing) in the property which is used wholly or partly as living accommodation (includes bathroom or lavatory) and contains a fixed combustion appliance other than a gas cooker⁶, and keep any such alarm in proper working order. Check the alarms on the day the tenancy begins if it is a new tenancy and supply to the Council on demand² a declaration of the condition and positioning of any such alarms.</p>
4.3	<p>Electrical safety</p> <p>Meet current statutory requirements in relation to electrical installations in The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 and ensure that every electrical installation² in the property is in proper working order and safe for continued use. Supply to the Council on demand² a declaration as to the safety of such installations within in 7 days of a request.</p>
4.4	<p>Electrical safety certificates</p> <p>Supply to the Council on demand² a current (less than 5 years old) genuine electrical installation condition report within seven days in cases where the property would otherwise be exempt from the requirements of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. Any code 1 or 2 defects in a report must be rectified and any FI (further investigation) codes followed up. On the expiry of a report, a new report must be obtained and supplied to the Council³ within two months of the previous report's expiry date.</p>

4.5	<p>Electrical appliance and furniture safety</p> <p>Keep electrical appliances and furniture made available in the house in a safe condition and supply to the Council on demand² a written declaration verifying the safety of the appliances and furniture.</p>
------------	---

5	Fire safety
5.1	<p>Smoke alarms installation</p> <p>Install a smoke alarm on each storey of the house on which there is a room used wholly or partly as living accommodation and keep any such alarm in proper working order.</p>
5.2	<p>Smoke alarms</p> <p>Check smoke alarms whenever there is a new tenancy on the day the tenancy begins and supply to the Council on demand² a declaration of the condition and positioning of any such alarms.</p>
5.3	<p>Fire safety precautions and reviews</p> <p>Fire precautionary measures must be provided in accordance with either:</p> <p>The Bristol City Council document “Fire Safety Standards for Licensable HMOs⁹</p> <p>or</p> <p>An independent Fire Risk Assessment (FRA) produced by a competent person that adheres to current regulations and legal requirements relating to fire safety and licensing. Such a Fire Risk Assessment must be approved by the Council and reviewed annually, on a change of tenancy, and whenever there are alterations to the property or its contents. Supply to the Council on demand written evidence of the Fire Risk Assessment together with any revisions.</p>
5.4	<p>Fire alarm periodic test certificate</p> <p>Where there is a Grade A fire alarm system installed, supply to the Council on demand² a satisfactory and genuine certificate of servicing by a competent person carried out in the previous 6 months, as required under BS 5839-6: 2019. Where there is a Grade C or Grade D system installed, supply to the Council on demand² a satisfactory and genuine certificate of servicing by a competent person carried out in the previous 12 months, following the servicing procedure contained in Annex I of BS 5839-6: 2019.</p>
5.5	<p>Lighting and emergency lighting</p> <p>Supply to the Council, on demand² a declaration that the lighting system is in proper working order. Emergency lighting to be maintained in accordance with the relevant British Standard (BS 5266-1:2016).</p>

6	Energy performance
6.1	<p>Energy Performance Certificate</p> <p>Where applicable supply to the Council on demand², a current and genuine Energy Performance Certificate (EPC) in accordance with the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2012.</p>
6.2	<p>Minimum levels of energy efficiency</p> <p>Ensure that the property reaches at least an Energy Performance Certificate (EPC) rating of E, subject to any exemptions, in compliance with the minimum level of energy efficiency for privately rented property required under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.</p>

7	Amenity standards
7.1	Access to facilities Provide all tenants with 24 hour direct access to all toilet, personal washing and cooking facilities and equipment.
7.2	Sharing of bedrooms Ensure that there is no obligate sharing of bedrooms.
7.3	Names of all occupants Supply to the Council on demand ² the names of all occupants
7.4	Room size and amenity standards Comply with the Bristol City Council document ‘Room Size & Amenity Standard for Licensable HMOs ¹⁰ . This document includes conditions required by law and may be updated during the term of the licence, and it is the responsibility of the licence holder and the manager to ensure that they are aware of and are complying with the latest versions.
7.5	Small rooms Notify the Council ³ of any room in the HMO with a floor area of less than 4.64 square metres.
7.6	Permitted numbers Ensure that the property is occupied in accordance with, and by no more than, the number of persons and households specified in the licence.
7.7	Refuse and recycling Provide suitable facilities for the storage and disposal of refuse and recycling in accordance with the Council’s waste and recycling collection requirements.
7.8	Food safety training Where food is provided, ensure that all food handlers have appropriate food safety training.

8	Tenancy agreements
8.1	Written tenancy statement Supply to the occupiers of the house a written statement of the terms on which they occupy it. Supply a copy of the statement to the Council on demand ² .
8.2	Clear tenancy conditions Do not mislead prospective or existing tenants regarding the use, occupation, condition or the contents of the property which forms part of tenancy or agreement to occupy the property.
8.3	Make tenants aware of their rights and obligations Make tenants aware of their rights and obligations and of the licence holder or manager’s legal obligations when a tenancy is brought to an end or where the licence holder or manager seeks possession of the dwelling-house.
8.4	Avoid unfair terms in tenancy agreement The tenancy agreement should be free from both unfair terms and prohibited fees.
8.5	Tenancy clause on anti-social behaviour Issue new tenants with a tenancy or written agreement that include clauses that will allow the licence holder to take reasonable steps to tackle anti-social behaviour.

9	Setting up and ending tenancies
9.1	<p>Inventories</p> <p>Arrange for an inventory of contents and condition to be signed by both parties at the beginning of the tenancy (or as soon as practicable afterwards) and give tenants the opportunity both to carry out a joint inventory inspection at the outset and to discuss the inventory at the end of the tenancy.</p>
9.2	<p>Deposit protection schemes</p> <p>Comply with all statutory obligations regarding tenancy deposit protection if a deposit is taken.</p>
9.3	<p>New tenant references</p> <p>Require a reference for each new person wishing to occupy the property. The reference request should include questions about anti-social behaviour⁸, acting in a way that may cause a nuisance to neighbours, and any problems in respect of non-payment of rent. References should be retained for a minimum of 6 months from the issuing of the licence and supplied to the Council on demand².</p>
9.4	<p>Past tenant references</p> <p>Provide, on request from other landlords, an honest, factual and accurate written reference relating to existing or past occupiers.</p>
9.5	<p>Contact details</p> <p>Make available to tenants the licence holder or manager's name, address, any telephone contact number or email address to each household and ensure that such details are clearly displayed in a prominent position in the property.</p>
9.6	<p>Fire precaution information for tenants</p> <p>Provide written details of fire evacuation procedures to tenants and other occupiers. Ensure that all tenants and occupiers are aware of fire and fault indications of any fire alarm system, are adequately familiar with controls (e.g., resetting) and of measures to avoid false alarms. Supply these details to the Council on demand².</p>

10	Tenants' entitlement to peaceful enjoyment of their home
10.1	<p>Obligation to allow tenant peaceful enjoyment</p> <p>Do not, and do not cause anyone else to:</p> <ul style="list-style-type: none"> • Unlawfully deprive any residential occupier(s) of their occupation of the property or any part of the property, or attempt to do so, • Carry out acts likely to interfere with the peace or comfort of the residential occupier(s) or members of his household, or • Persistently withdraw or withhold services reasonably required for the occupation of the property in question as a residence.
10.2	<p>Access to property</p> <p>Make prior arrangement with the tenant and give at least 24 hours' notice (except in emergencies) of access to the property by the landlord or their representative for inspection, repairs, monitoring or any other reason.</p>

11	Relations with neighbours and dealing with anti-social behaviour⁸
11.1	Anti-social behaviour⁸ by tenants and visitors Take all reasonable and practicable steps to prevent or reduce anti-social behaviour ⁸ by persons occupying or visiting the house
11.2	Illegal activity Take all reasonable steps to ensure that the property is not used for illegal or immoral purposes.
11.3	Property appearance Take all reasonable steps to keep the external appearance of the property in a reasonable condition considering its age of the property, character and locality and keep the exterior of the property free from graffiti and fly posters.
11.4	Monitor for anti-social behaviour Arrange inspections of the property on a regular basis to assess if there is evidence of anti-social behaviour ⁸ ; this should be at least quarterly, but more frequently if anti-social behaviour has been established.
11.5	Contact details for neighbours Provide the occupants of adjoining properties direct contact details such as a telephone number to enable them to inform the licence holder of problems such as complaints about the behaviour of the tenants or their visitors.

Notes

- ¹ Fit and Proper person definition: see Housing Act 2004 s66, this can be found at <https://www.legislation.gov.uk/ukpga/2004/34/section/66>
- ² Any reference to ‘on demand’ means the Council requires that the document(s) or information be supplied to the Council within 28 days unless stated otherwise.
- ³ Postal addresses: (Private Housing Team) (100TS) or (Licensing Team) (100TS), Bristol City Council, PO Box 3399, Bristol, BS1 9NE. E-mail address: private.housing@bristol.gov.uk
- ⁴ [Managing asbestos in buildings](#): A brief guide Health and Safety Executive.
- ⁵ Legionnaires’ disease [A brief guide for duty holders](#) Health and Safety Executive.
- ⁶ This means a fixed apparatus where fuel of any type is burned to generate heat. Typically, these appliances are powered by gas, oil, coal, wood, etc., for example, gas or oil boilers, or log-burning stoves. A non-functioning purely decorative fireplace would not constitute a fixed combustion appliance.
- ⁷ Regulation 2(1) of the Building Regulations: “electrical installation” means fixed electrical cables or fixed electrical equipment located on the consumer’s side of the electricity supply meter.
- ⁸ Anti-social behaviour: Behaviour that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household (this includes noise nuisance).
- ⁹ Bristol City Council Fire Safety Standards for Licensable HMOs. The latest versions can be found at [Licence standards and conditions](#)
- ¹⁰ Bristol City Council room size and amenity standard for licensable HMOs. The latest versions can be found at [Licence standards and conditions](#)
- ¹¹ Protected characteristics are defined under the Equality Act 2010 and include: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

17. Appendix 4 licence conditions – Selective Licensing

The following licence scheme conditions apply both to the licence holder and to any manager who has accepted responsibility under the licence.

1	Professionalism and standard of conduct
1.1	<p>Reasonable and equitable standard of conduct Conduct business with regard to the property and the tenancy in a reasonable and equitable manner and in accordance with applicable standards of due diligence.</p>
1.2	<p>‘Fit and Proper Person’ declarations Any person involved in, or becoming involved in the management of the property after the licence date must be a fit and proper person¹ and must supply the Council on demand² with a completed ‘declaration in respect of a fit and proper person’ form for each individual involved.</p>
1.3	<p>All agents to be members of statutory schemes Where the licence holder or manager is a letting or property managing agent they must be a member of a statutory scheme such as the Lettings and Management Agent Redress Scheme and the Client Money Protection Scheme.</p>
1.4	<p>Licence holder and manager agreements Provide to the Council, on demand² a copy of any written agreement between the licence holder(s) and property managers, which sets out responsibilities for the management of the property. These might include arranging tenancies, managing complaints and repairs, setting up tenancy deposits, taking the inventory, visiting the property.</p>
1.5	<p>Anti-discrimination Landlords and Agents must not discriminate either directly or indirectly against tenants or prospective tenants on the basis of a protected characteristic². This includes discrimination against people because they are in receipt of welfare benefits i.e. Universal Credit.</p>
2	Keeping the Council informed of changes
2.1	<p>Any changes in licence holder Notify the Council in writing³ of any change to the name, address, or any other contact details (including email address) of the licence holder, manager or any other person involved in the management of the property, within 14 days of that change or on demand².</p>
3	Repair and maintenance
3.1	<p>Property repair timescale As far as is reasonably practicable keep within the following timescales in responding to information about disrepair and maintenance issues at the property:</p> <ul style="list-style-type: none"> • Emergency repairs: 24 hours (affecting health or safety e.g., dangerous electrical fault, blocked W C, no hot water, etc.). • Urgent repairs: five working days (affecting material comfort e.g., no heating or fridge failure, serious roof leak, etc.) • Other non-urgent repairs: within a reasonable period taking into account the extent and cost of the works required and any disruption for the occupiers.

3.2	Facilities and equipment Facilities and equipment must be kept in a safe condition and good working order.
3.3	Asbestos and Legionella - comply with legal requirements Comply with current statutory requirements relating to the safe management of the following: <ul style="list-style-type: none"> • any asbestos containing materials⁴, and • Legionella species risks⁵.
3.4	Pest control Employ a competent pest control contractor to carry out appropriate treatments to any pest infestation

4	Gas and electrical safety
4.1	Gas safety certificate If gas is supplied to the house, supply to the Council ³ annually for their inspection, a satisfactory and genuine gas safety record obtained in respect of the house within the last 12 months.
4.2	Carbon monoxide alarm Install a carbon monoxide alarm in any room (includes a hall or landing) in the property which is used wholly or partly as living accommodation (includes bathroom or lavatory) and contains a fixed combustion appliance other than a gas cooker ⁶ , and keep any such alarm in proper working order. Check the alarms on the day the tenancy begins if it is a new tenancy and supply to the Council on demand ² a declaration of the condition and positioning of any such alarms
4.3	Electrical safety Meet current statutory requirements in relation to electrical installations in The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 and ensure that every electrical installation ⁷ in the property is in proper working order and safe for continued use. Supply to the Council on demand ² a declaration as to the safety of such installations within in 7 days of a request.
4.4	Electrical safety certificates Supply to the Council on demand ² a current (less than 5 years old) genuine electrical installation condition report within seven days in cases where the property would otherwise be exempt from the requirements of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.
4.5	Electrical appliance and furniture safety Keep electrical appliances and furniture made available in the house in a safe condition and supply to the Council on demand ² a written declaration verifying the safety of the appliances and furniture..

5	Fire safety
5.1	Smoke alarms installation Install a smoke alarm on each storey of the house on which there is a room used wholly or partly as living accommodation and keep any such alarm in proper working order.
5.2	Smoke alarms - check smoke alarms at start of tenancy, supply a declaration on their condition and position if asked. Check smoke alarms whenever there is a new tenancy on the day the tenancy begins and supply to the Council on demand ² a declaration of the condition and positioning of any such alarms.

6	Energy performance
6.1	Energy Performance Certificate Where applicable supply to the Council on demand ² , a current and genuine Energy Performance Certificate (EPC) in accordance with the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2012.

7	Amenity standards
7.1	Access to facilities Provide all tenants with 24hour direct access to all toilet, personal washing and cooking facilities and equipment.
7.2	Sharing of bedrooms Ensure that there is no obligate sharing of bedrooms.
7.3	Names of all occupants Supply to the Council on demand ² a list of all occupants.

8	Tenancy agreements
8.1	Written tenancy statement Supply to the occupiers of the house a written statement of the terms on which they occupy it. Supply a copy of the statement to the Council on demand ² .
8.2	Clear tenancy conditions Do not mislead prospective or existing tenants regarding the use, occupation, condition or the contents of the property which forms part of tenancy or agreement to occupy the property.
8.3	Make tenants aware of their rights and obligations Make tenants aware of their rights and obligations and of the licence holder or manager's legal obligations when a tenancy is brought to an end or where the licence holder or manager seeks possession of the dwelling-house.
8.4	Avoid unfair terms in tenancy agreement The tenancy agreement should be free from both unfair terms and prohibited fees.
8.5	Tenancy clause on anti-social behaviour Issue new tenants with a tenancy or written agreement that include clauses that will allow the licence holder to take reasonable steps to tackle anti-social behaviour.

9	Setting up and ending tenancies
9.1	Inventories Arrange for an inventory of contents and condition to be signed by both parties at the beginning of the tenancy (or as soon as practicable afterwards) and give tenants the opportunity both to carry out a joint inventory inspection at the outset and to discuss the inventory at the end of the tenancy.
9.2	Deposit protection schemes Comply with all statutory obligations regarding tenancy deposit protection if a deposit is taken.
9.3	New tenant references Require a reference for each new person wishing to occupy the property. The reference request should include questions about anti-social behaviour ⁸ , acting in a way that may cause a nuisance to neighbours, and any problems in respect of non-payment of rent. References should be retained for a minimum of 6 months from the issuing of the licence and supplied to the Council on demand ² .

9.4	Past tenant references Provide, on request from other landlords, an honest, factual and accurate written reference relating to existing or past occupiers.
9.5	Contact details Make available to tenants the licence holder or manager's name, address, any telephone contact number or email address.
9.6	Fire precaution information for tenants Provide written details of fire evacuation procedures to tenants and other occupiers. Ensure that all tenants and occupiers are aware of fire and fault indications of any fire alarm system, are adequately familiar with controls (e.g., resetting) and of measures to avoid false alarms. Supply these details to the Council on demand ² .

10	Tenants' entitlement to peaceful enjoyment of their home
10.1	Obligation to allow tenant peaceful enjoyment Do not, and do not cause anyone else to: <ul style="list-style-type: none"> • Unlawfully deprive any residential occupier(s) of their occupation of the property or any part of the property, or attempt to do so, • Carry out acts likely to interfere with the peace or comfort of the residential occupier(s) or members of his household, or • Persistently withdraw or withhold services reasonably required for the occupation of the property in question as a residence.
10.2	Access to property Make prior arrangement with the tenant and give at least 24 hours' notice (except in emergencies) of access to the property by the landlord or their representative for inspection, repairs, monitoring or any other reason.

11	Relations with neighbours and dealing with anti-social behaviour⁸
11.1	Anti-social behaviour⁸ by tenants and visitors Take all reasonable and practicable steps to prevent or reduce anti-social behaviour ⁸ by persons occupying or visiting the house.
11.2	Illegal activity Take all reasonable steps to ensure that the property is not used for illegal or immoral purposes.
11.3	Property appearance Take all reasonable steps to keep the external appearance of the property in a reasonable condition considering its age of the property, character and locality and keep the exterior of the property free from graffiti and fly posters.
11.4	Monitor for anti-social behaviour Arrange inspections of the property on a regular basis to assess if there is evidence of anti-social behaviour ⁸ ; this should be at least quarterly, but more frequently if anti-social behaviour has been established.
11.5	Contact details for neighbours Provide the occupants of adjoining properties direct contact details such as a telephone number to enable them to inform the licence holder of problems such as complaints about the behaviour of the tenants or their visitors.

Notes

- 1 Fit and Proper person definition: see Housing Act 2004 s66, this can be found at <https://www.legislation.gov.uk/ukpga/2004/34/section/66>
- 2 Any reference to 'on demand' means the Council requires that the document(s) or information be supplied to the Council within 28 days unless stated otherwise.
- 3 Postal addresses: (Private Housing Team) (100TS) or (Licensing Team) (100TS), Bristol City Council, PO Box 3399, Bristol, BS1 9NE. E-mail address: private.housing@bristol.gov.uk
- 4 [**Managing asbestos in buildings**](#): A brief guide Health and Safety Executive.
- 5 Legionnaires' disease [**A brief guide for duty holders**](#) Health and Safety Executive.
- 6 This means a fixed apparatus where fuel of any type is burned to generate heat. Typically, these appliances are powered by gas, oil, coal, wood, etc., for example, gas or oil boilers, or log-burning stoves. A non-functioning purely decorative fireplace would not constitute a fixed combustion appliance.
- 7 Regulation 2(1) of the Building Regulations: "electrical installation" means fixed electrical cables or fixed electrical equipment located on the consumer's side of the electricity supply meter.
- 8 Anti-social behaviour: Behaviour that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household (this includes noise nuisance).
- 9 Protected characteristics are defined under the Equality Act 2010 and include: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

18. Appendix 5: Designation conditions applying to selective licensing

The Selective Licensing of Houses (Additional Conditions) (England) Order 2015

A selective licensing designation may be made if the area to which it relates satisfies one or more of the following conditions. The area is experiencing:

- low housing demand (or is likely to become such an area).
- a significant and persistent problem caused by anti-social behavior.
- poor property conditions.
- high levels of migration.
- high level of deprivation.
- high levels of crime.

Article 3: Conditions specified for the purposes of section 80(2)(b) of the Housing Act 2004

3.—(1) The following conditions are specified as additional conditions for the purposes of section 80(2)(b) of the 2004 Act, which a local housing authority must consider are satisfied in relation to the area before making a selective licensing designation under this provision

(a) that the area contains a high proportion of properties in the private rented sector, in relation to the total number of properties in the area.

(b) that the properties referred to in subparagraph (a) are occupied either under assured tenancies or licences to occupy; and

(c) that one or more of the sets of conditions in articles 4 to 7 is satisfied.

(2) For the purposes of this article, a property shall not be regarded as being in the private rented sector where the landlord is a private registered provider of social housing, as defined by section 80 of the Housing and Regeneration Act 2008(1).

The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of other residential accommodation (England) General Approval 2015 (the general approval)

set conditions which need to be satisfied when considering scheme declarations including the mandatory consultation with those affected by it for not less than 10 weeks.

It also set the 20% thresholds on the size of a selective scheme covers either more than 20% of the geographical area or would affect more than 20% privately rented homes in the area. If the threshold is exceeded, the local authority would need to seek confirmation from the Secretary of State.

Article 4: Conditions in relation to housing conditions

4. The first set of conditions is—

(a) that having carried out a review of housing conditions under section 3(1) of the 2004 Act, the local housing authority considers it would be appropriate for a significant number of the properties referred to in article 3(1)(a) to be inspected, with a view to determining whether any category 1 or category 2 hazards exist on the premises(1);

(b) that the local housing authority intends to carry out such inspections as referred to in paragraph (a), with a view to carrying out any necessary enforcement action; and

(c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, including any licence conditions imposed under section 90 of the 2004 Act, contribute to an improvement in general housing conditions in the area.

19. Appendix 6 – Fit and proper person checks

Under the Housing Act 2004, if the council is to issue any property licence it must be satisfied that the proposed licence holder is a fit and proper person, and the most appropriate person to hold the licence. It must also be satisfied that the proposed manager of the house is a fit and proper person to be the manager of the house. If not, the licence must be refused unless other arrangements can be agreed.

The licence may be revoked if the council no longer considers that the licence holder is a fit and proper person to be the licence holder and if the council no longer considers that the management of the house is being carried out by people who are not fit and proper persons to be involved in its management.

These requirements are to ensure that those responsible for managing the property are of sufficient integrity and good character to be involved in the management of a residential property, and as such they do not pose a risk to the welfare or safety of people occupying the property.

However, where a property is not licensed, there is no control over who is managing the property.

Each person involved in the management of a licensed property needs to complete the fit and proper person declaration form below (www.bristol.gov.uk/files/documents/198-fit-and-proper-person-declaration-form) which is to be kept for their own records.

Declaration in Respect of a Fit and Proper Person Housing Act 2004 (Part 2 / Part 3)

Name

In connection with the application dated

for a property licence in respect of:

(Property Address)

I hereby declare that I am:

- (i) The proposed licence holder
 - (ii) The manager of the property to whom rent is paid (if different from (i) above)
 - (iii) Someone who is otherwise engaged in the management of the property
- (Delete as appropriate)

and that I am a fit and proper person to be engaged in that capacity.

In support of the above declaration I confirm that I:

- do not have any unspent convictions particularly in respect of any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3, of Sexual Offences Act 2003;
- have not been found guilty by any court or tribunal of practicing unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business;
- have not had any judgements (whether civil or criminal) made against me under housing, public health, environmental health or landlord and tenant law.

Please provide information about any HMO or house the proposed licence holder or manager owns or manages or has owned or managed which has been the subject of:

- any appropriate enforcement action described in section 5(2) of the Act;
- refusal to grant a licence under Part 2 or 3 of the Act, or has had a licence revoked as a consequence of breaching the conditions of his licence;
- an interim or final management order under the Act

Details of above

Read our policy statement and our property licensing and enforcement privacy notice to see what we do with your personal information.

Please note that it is a criminal offence to knowingly supply information which is false or misleading for the purpose of obtaining a licence. Evidence of any statements made in this application regarding the property concerned may be required later. If we subsequently discover something which is relevant which you should have disclosed, or which has been incorrectly stated or described, your licence may be revoked, or other action taken.

Signed:

Date:

Name:

20. Appendix 7 – Licence fees

The Housing Act 2004 allows councils to set a fee for property licences and says that the council may consider all costs incurred by the authority in carrying out the licensing function. The council cannot make a profit from licence fees.

The predicted cost for a citywide additional licensing scheme is £12,516,316.

The predicted cost for a targeted selective licensing scheme is £3,532,288

The fees proposed are for a licence which will normally last for five years and the fee is fixed for the five-year scheme period. There are no other costs or fees to pay after the correct fee has been paid.

The fee structure proposed is designed to allow the council to recover the costs of the licensing function. There are two parts to the process of setting out the proposed fee structure:

Part 1 covers the average cost of granting or refusing an application. This part of the fee is payable at the time of submitting the application. Applications cannot be accepted without payment.

Part 2 covers the enforcement of the licence scheme requirements and general scheme administration costs. It is payable only for licences which are proposed to be granted and is not payable if the licence application is refused.

Refunds of fees paid will only be given when the property licensed didn't require a licence at the time of application.

Payments are only acceptable online via credit or debit card, except where an applicant can show that they have an impairment that makes using this payment method unreasonable.

Part 2 payments must be paid within 28 days of request for payment, otherwise the property will be considered unlicensed.

Scheme 1: Additional licensing fees

The proposed fee structure for additional licensing is illustrated in the following table.

Table 1: Table of fees payable for a citywide additional licensing - Scheme 1

Additional licensing						
Type of Licence	New			Renewal		
	Part 1	Part 2	Total	Part 1	Part 2	Total
Fee	£1023	£838	£1861	£808	£662	£1470
Discount for satisfactory certificates ¹	n/a	£150	£1711	n/a	£150	£1320
Discount for membership of Rent with Confidence (RWC) ²	n/a	£150	£1711	n/a	£150	£1320
Discounts for both certificates and RWC	n/a	£300	£1561	n/a	£300	£1170
Found unlicensed fee ³	n/a	£140	£2001	n/a	£140	£1610

Scheme 2 Fees – Selective Licensing fees

The proposed fee structure for selective licensing is illustrated in the following table.

Table 2: Table of fees payable for a selective licensing scheme - Scheme 2

Selective licensing				
Type of Licence	New			Renewal
	Part 1	Part 2	Total	
Fee	£467	£445	£912	n/a
Discount for satisfactory certificates ¹	n/a	£150	£762	n/a
Discount for membership of Rent with Confidence (RWC) ²	n/a	£150	£762	n/a
Discounts for both certificates and RWC	n/a	£300	£612	n/a
Found unlicensed fee ³	n/a	£140	£1052	n/a

Notes

¹ Discounts will be awarded where satisfactory* electrical, gas, (if applicable) safety and energy performance certificates are submitted before the licence is issued.

² Discounts will be awarded where the landlord or agent is a member of an accreditation scheme provided by an approved provider under the West of England Rent with Confidence scheme at the time of the application.

³ An unlicensed fee of £140 will be added where the application is not made on time. No discounts are available if this fee is due.

* Satisfactory Certificates:

Gas safety record (no longer called a certificate) – a record of an inspection carried out by a Gas Safe registered contractor competent for the appliance(s) inspected and tested and dated within the previous 12 months prior to submission that confirms that all appliances and pipework are in a safe condition.

Electrical Installation Condition Report (EICR) – the inspection record should be dated within the previous 5 years and indicate that the installation is in a safe condition and is free from any code 1 (C1), 2 (C2) or FI matters. The inspection report should be carried out by a contractor competent and approved to carry out inspections and tests (rather than solely competent and authorised to carry out work) and who meets the definition of a qualified person under regulation 2 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. The inspection report will be required to show that the installation complies with the electrical safety standards as detailed in regulation 2 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

Energy Performance Certificate (EPC) – a satisfactory EPC is one dated within the previous 10 years (and thus still valid), and which indicates a minimum EPC band of band E. Any band F or G certificate will not be regarded as satisfactory.

21. Appendix 8 – Glossary of legislation and regulation relating to licensing

- **Housing Act 2004**
www.legislation.gov.uk/ukpga/2004/34/contents
- **Housing Act 2004 Part 1 Housing Health and Safety Rating System**
www.legislation.gov.uk/ukpga/2004/34/part/1
- **SI 2006/ 373 - The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006**
www.legislation.gov.uk/uksi/2006/373/contents/made
- **The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018**
www.legislation.gov.uk/ukdsi/2018/9780111167359/contents
- **SI 2015/ 977 The Selective Licensing of Houses (Additional Conditions) (England) Order 2015**
www.legislation.gov.uk/uksi/2015/977/contents/made
- **SI 2006/ 370 – Selective Licensing of Houses (Specified Exemptions) (England) Order 2006**
www.legislation.gov.uk/uksi/2006/370/made
- **SI 2015/ 962 The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015**
www.legislation.gov.uk/uksi/2015/962/contents/made
- **SI 2012/ 3118 Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2012**
www.legislation.gov.uk/uksi/2012/3118/contents/made
- **BS 5266-1 2016 Emergency Lighting Code of practice for emergency lighting of premises**
www.firesafe.org.uk/emergency-lighting
- **Landlord and Tenant Act 1985**
www.legislation.gov.uk/ukpga/1985/70
- **Landlord and Tenant Act 1987**
www.legislation.gov.uk/ukpga/1987/31/contents
- **Protection from Eviction Act 1977**
www.legislation.gov.uk/ukpga/1977/43
- **Housing Act 1988**
www.legislation.gov.uk/ukpga/1988/50/contents
- **Housing and Planning Act 2016**
www.legislation.gov.uk/ukpga/2016/22/contents/enacted
- **Deregulation Act 2015**
www.legislation.gov.uk/ukpga/2015/20/contents/enacted
- **SI 2015/ 1646 The Assured Short Hold Tenancy Notices and Prescribed Requirements (England) Regulations 2015**
www.legislation.gov.uk/uksi/2015/1646/contents/made
- **SI 2007/ 797 Housing Tenancy (Deposits) (Prescribed Information) Order 2007**
www.legislation.gov.uk/uksi/2007/797/article/2/made
- **Tenant Fees Act 2019**
www.legislation.gov.uk/ukpga/2019/4/contents/enacted

If you would like this information in another language, Braille, audio tape, large print, easy read, BSL video or CD-ROM or plain text please contact us by emailing private.housing@bristol.gov.uk or calling **0117 922 4947** (answerphone).