

**Falkirk Council**

***Place Services***

*Invest Falkirk*

**Asset Management**

**Tenant Information Pack**

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This information pack has been developed to help you understand your rights and responsibilities as a tenant, and our obligations as a landlord, under the terms of your commercial licence with Falkirk Council.

If you are a new tenant, the information aims to highlight what you’re responsible for while occupying the property. For existing occupiers, it serves as a checklist to ensure you are keeping up to date with your statutory and licence obligations.

**Frequently Asked Questions – FAQs**

**How does a licence operate?**

A licence is a legally binding contract which ties both the tenant and the landlord into meeting obligations. As a legal contract, conditions can be enforceable directly or through court action and failure to perform some material conditions contained in your licence can be grounds for the early termination of the licence itself. Normally the licence contains terms specific to the occupier such as the tenant’s name, property address, date of entry, agreed term of occupation and rent, the agreed use and general conditions are specified in detail in the Schedule of Tenant’s Obligations.

**What are my obligations as tenant?**

Below are examples of obligations a tenant has:

* To pay the agreed rent on time even if not asked.
* To use the property only for the purposes for which it is let, stated in user clause.
* To observe management rules in connection with any common areas such as car parking and service yards.
* To pay the property Business Rates.
* To arrange and pay for contents and public liability insurance
* To arrange and pay for all utilities
* To arrange and pay for their own telephone and broadband service where required
* To arrange and pay for their own security systems where required
* To maintain the property internally and externally to the landlord’s satisfaction.
* To maintain a valid and current Gas Safety Certificate during occupation and provide the landlord with same at termination.
* To maintain an appropriate Asbestos Management Plan during occupation and provide the landlord with same at termination.
* To maintain a valid and current Electrical Safety Certificate during occupation and provide the landlord same at termination.
* To meet legal requirements for carrying out Fire Risk Assessments.
* To meet legal requirements for the control of Legionella.

Please note that some external charges are out with Falkirk Councils control such as Rateable Value, Small Business Rates Relief, VAT etc, are subject to regular updates and tenants should keep themselves updated on any changes in government legislation which could adversely affect them.

**Will the Council repair anything which breaks down or wears out?**

This will be subject to the repairing obligation within the licence, but generally, most licences are on standard Full Repairing and Insuring (FRI) terms, which Falkirk Council and other landlords use. On signing the licence, the tenant has accepted the property as being in good and tenantable condition. From then on, all repair and maintenance obligations transfer to the tenant. In practical terms, an FRI licence is best regarded as a form of temporary ownership rather than a simple right to occupy. This means that for the period of the licence you have responsibility for the repair, maintenance, utilities and other works or payments relating to the property.

In terms of building insurance, the landlord will arrange this and recharge the premium to the tenant. Consequently, any damage caused to the fabric of the building by an insured risk will be handled by the landlord and claimed back from the insurer. The tenant’s excess as it currently stands is £250 and will be recharged by the landlord.

**What are Falkirk Council’s obligations?**

Prior to the licence commencing Falkirk Council as landlord will:

 • Provide the building in a wind and water-tight condition

* Provide a photographic schedule of condition that records condition at entry.
* Provide the tenant with an Energy Performance Certificate (EPC).

• Check and ensure the electrical systems are safe by providing an Electrical Condition Report

 (EICR).

 • Provide the tenant with a valid and current Gas Safety Certificate where applicable

 • Provide the tenant with an appropriate Asbestos Management Plan.

* Provide a legionella certificate

**What are my main statutory obligations?**

Every occupier of a Falkirk Council property has a duty to comply with a range of legislation. Particular attention should be paid to the following:

* Health and Safety at Work etc. Act
* Health and Safety (Miscellaneous Amendments) Regulations
* Control of Substances Hazardous to Health (COSHH) Regulations
* Regulatory Reform (Fire Safety) Order
* The Control of Asbestos Regulations
* Gas Safety Management Regulations

**What if I want to alter the property?**

If you wish to make any alterations or additions to the licenced property internally or externally, you must firstly apply for written consent from the landlord and provide plans of the proposed alterations. Secondly, you should check whether or not you need Planning Permission and/or a Building Warrant from Falkirk Council’s Place Services (see Key Contacts).

If you require any assistance with the above, please contact Falkirk Council Asset Management in the first instance at property@falkirk.gov.uk.

**Licence Termination**

The licence will be on a month to month basis. The licence can be terminated any time by either party given one month’s written notice.

**Fees**

It should be noted that any request for consent for alteration will incur a fee payable to the landlord for granting permission.

**Legal Advice**

**It is highly recommended that you seek independent legal advice prior to entering into any legally binding agreement.**

**Key Contacts:**

 **Falkirk Council**

[My Falkirk](https://my.falkirk.gov.uk/)

[www.falkirk.gov.uk](http://www.falkirk.gov.uk)

 [www.investfalkirk.com](http://www.investfalkirk.com)

 **Commercial Property** – Asset Management

 Tel - 01324 504999

 Email: property@falkirk.gov.uk

 **Strategic Property Review**

 Email: StrategicPropertyReview@falkirk.gov.uk

 **Business Rates (NDR)** - [www.falkirk.gov.uk/services/business-investment/business-rates/](http://www.falkirk.gov.uk/services/business-investment/business-rates/)

 Tel: 01324 506966

 Email: revenues9@falkirk.gov.uk

 **Assessor for Central Scotland -** [www.saa.gov.uk](http://www.saa.gov.uk/)

 Tel: 01786 892200

 Email: assessor@centralscotland-vjb.gov.uk

 **Business Gateway** - (Grants, Loans, Advice) -

 [www.falkirk.gov.uk/services/business-investment/business-grants.aspx](http://www.falkirk.gov.uk/services/business-investment/business-grants.aspx)

 Tel: 01324 590960

 business@falkirk.gov.uk

 **Environmental Health** – [www.falkirk.gov.uk/services/environment/](http://www.falkirk.gov.uk/services/environment/)

 **Planning Permission & Building Standards -** [www.falkirk.gov.uk/services/planning-building/](http://www.falkirk.gov.uk/services/planning-building/)

 Building Standards:

 Email: buildingstandards@falkirk.gov.uk

 Tel: 01324 504748

 Email: dc@falkirk.gov.uk

 **Police** **Scotland** - [www.scotland.police.uk/contact-us/](http://www.scotland.police.uk/contact-us/)

 **Business Property -** property@falkirk.gov.uk

Tel: 01324 504999

 **Sundry Accounts** - [www.falkirk.gov.uk/do-it-today/pay/sundry-debtors.aspx](http://www.falkirk.gov.uk/do-it-today/pay/sundry-debtors.aspx)

 Tel: 01324 506070

 **Trading Standards** - [www.falkirk.gov.uk/services/law-licensing/trading-standards/](http://www.falkirk.gov.uk/services/law-licensing/trading-standards/)

 **Travelling People’s Officer** -

 [www.falkirk.gov.uk/services/people-communities/gypsy-traveller-sites.aspx](http://www.falkirk.gov.uk/services/people-communities/gypsy-traveller-sites.aspx)

 Tel: 01324 503853

 Email: HousingNeeds@falkirk.gov.uk

 **Trade Waste -** [www.falkirk.gov.uk/services/bins-rubbish-recycling/trade-waste/](http://www.falkirk.gov.uk/services/bins-rubbish-recycling/trade-waste/)

 Tel: 01324 504422

 Email: tradewaste@falkirk.gov.uk

 **Our Commitment to You**

Our main offices are open from 9:00 am to 5:00 pm Monday to Friday, except for public holidays at Christmas, New Year, May and September weekends.

**Asset Management Team Contact – 01324 504999 or property@falkirk.gov.uk**

**Helping us to get it right**

If we are failing in the above, please contact John Smith, Principal Surveyor (Asset Management) in the first instance, his contact details are:

Tel: 01324 504973

Email: john.smith@falkirk.gov.uk

If you are unhappy with the outcome, you can pursue the matter by writing to Paul Kettrick, Head of Invest Falkirk, Suite 1B, The Falkirk Stadium, Westfield, Falkirk FK2 9DX.

**CVS Falkirk**

We have also partnered with third sector organisation, CVS Falkirk. CVS can provide additional support and guidance to interested parties including:

* helping groups develop their ideas
* supporting and advising groups through the transfer journey
* building capacity, skills and resilience beyond the transfer

**Please contact info@cvsfalkirk.org.uk**

**Other Organisations:**

**Emergency Contacts:**

**Scottish Power -** [www.scottishpower.co.uk/](http://www.scottishpower.co.uk/)

**SP Energy Networks -** [www.spenergynetworks.co.uk/](http://www.spenergynetworks.co.uk/)

**SGN -** [www.sgn.co.uk/](http://www.sgn.co.uk/)

**Scottish Water -** [www.scottishwater.co.uk/Help-and-Resources/Contact-Us](http://www.scottishwater.co.uk/Help-and-Resources/Contact-Us)

**Scottish Enterprise -** [www.scottish-enterprise.com/](http://www.scottish-enterprise.com/)

**Falkirk Delivers -** <https://falkirkdelivers.com/businesses/contact/get-in-touch/>

Tel: 01324 611293

Email: info@falkirkdelivers.com



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