

Appendix One Proposed Additional Licensing conditions

Additional and mandatory HMOs

1. Permitted occupation

1.1 A new resident must not be permitted to occupy the house or any part of the house if that occupation:

- exceeds the maximum permitted number of persons for the house as detailed in the schedule of permitted occupation below
- exceeds the maximum permitted number of households for the house as detailed in the schedule of permitted occupation below.
- exceeds the maximum number of persons for any letting, as detailed in the schedule of permitted occupation below.

A new resident means a person who was not an occupier of the house and/or the specific room at the date of the issue of the licence.

[There will be a table here showing number of occupants etc]

2 . Tenancy management

2.1 The licence holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property and details of the arrangements in place to deal with repair issues and emergency issues.

Copies of the written statement of terms must be provided to the council for inspection within 21 days upon demand.

2.2 The licence holder must ensure that: (a) only he/she or the agent listed on this licence creates new tenancies or licences to occupy the property whilst this licence is in force; and (b) provides the council with a copy of the terms of any new tenancies and licences within 21 days of any request to inspect them.

2.3 The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in a statutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used at the time the deposit is taken. This information must be provided to the council within 28 days on demand.

2.4 The licence holder whilst fully meeting his/her obligations; shall also develop and implement a fit for purpose tenancy management system that ensures tenants occupy the property in a *'Tenant-like manner.'*

The following arrangements shall be implemented to fulfil the requirements of this condition. Copies of the documents and evidence must be provided to the council within 28 days on demand:

- provision of an emergency contact number (including out of hours response arrangements)
- formal arrangements for the disposal of rubbish and bulky waste
- schedule or details of the tenants' role and responsibility, including instructions for the heating systems and equipment.

2.5 The licence holder shall effectively address problems of antisocial behaviour resulting from the conduct on the part of occupiers of, or visitors to the premises by complying with the requirements of paragraphs (a) to (j) below.

a) The licence holder must not ignore or fail to take action within a reasonable timescale, if he has received complaints of anti-social behaviour (ASB) that concern the visitors to or occupiers of the premises.

b) Any letters, relating to anti-social behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept for 3 years by the licence holder.

c) The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding anti-social behaviour for 3 years.

d) If a complaint is received, or anti-social behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed of the allegations of the anti-social behaviour in writing and of the consequences of its continuation.

e) The licence holder shall, from the date of receipt of the complaint of anti-social behaviour, monitor any allegations of anti-social behaviour.

f) Where the anti-social behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must within 7 days visit the premises concerned with a warning letter about the consequences should the anti-social behaviour continue.

g) Where the licence holder or his agent has reason to believe that the anti-social behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed. For example, police, council, DWP, Home Office, etc.

h) If after 14 days of giving a warning letter the tenant has taken no steps to address the anti-social behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms for occupation, e.g. the tenancy agreement or licence and which shall include promptly taking any legal proceedings to address the anti-social behaviour.

i) Where the licence holder is specifically invited, they shall attend any case conferences or multiagency meetings arranged by the council, police or any other agency.

j) The license holder is expected to co-operate fully and assist any agency that becomes involved in dealing with any matter relating to ASB.

k) Any correspondence, letters and records referred to in condition 2.5 above must be provided to the council within 28 days on demand.

3. Property management

- 3.1 The licence holder shall ensure all gas installations and appliances are in a safe condition at all times. The licence holder must have available a current valid gas safety certificate obtained within the last 12 months. This must be provided to the council within 28 days on demand and copies must be provided to all tenants/occupiers at the start of their tenancy. All work on gas appliances must be carried out by gas safe certified operatives.
- 3.2 The licence holder shall ensure that all electrical appliances provided in the property are in a safe condition. The licence holder must submit to the council, for their inspection, an electrical appliance test report in respect of all electrical appliances that are supplied by the landlord to the council within 28 days on demand. (Note: The licence holder must ensure the electrical installation condition report (EICR) is supplied by a competent person, who is appropriately qualified to issue this report.
- 3.3 No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose.
- 3.4 Where the licence holder becomes aware of a pest problem or infestation at the property he shall take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the council within 28 days on demand.
- 3.5 The licence holder must take general fire precautions to ensure, as far as is reasonably practicable, the safety of the people on the premises and in the immediate vicinity to include the carrying out of a fire risk assessment for the purpose of identifying the general fire precautions and other measures needed to comply with the Regulatory Reform (Fire Safety) Order 2005.

- 3.6 The licence holder shall install and maintain in good working order appropriate smoke alarms in the property and shall submit to the council, upon request, a declaration by him as to the condition and positioning of such alarms, in accordance with the most up to date LACORS housing fire safety guidance. A copy of the LACORS housing fire safety guidance can be accessed online and downloaded free of charge at:
http://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf

Please note: Below are some generic conditions. However, for your specific property you must cross reference with the councils' HMO standards in licensable properties which sets out conditions in far more detail and may be more relevant for your property.

- a) The licence holder shall ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation (If there is only a bathroom or lavatory on a storey a smoke detector is required).
- b) The licence holder shall ensure each smoke alarm installed in any room in the house shall be kept in proper working order.
- c) The licence holder shall submit to the council, on demand, a declaration by him as to the condition and positioning of any such smoke alarm
- d) The licence holder shall ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance ("room" includes a hall or landing. A bathroom or lavatory is included as a room).
- e) The licence holder shall ensure any carbon monoxide alarm installed in any room in the house shall be kept in proper working order.

- f) The licence holder must supply the authority, on demand, a declaration by him as to the condition and positioning of any such carbon monoxide alarm.
- 3.7 The licence holder shall ensure that any fire-fighting equipment and fire alarms are maintained in good working order. The licence holder must submit to the council, for their inspection, a copy of all periodical inspection report/test certificates for any automatic fire alarm system, emergency lighting and firefighting equipment provided in the property. These must be provided to the council within 28 days on demand.
- 3.8 The licence holder shall ensure that furniture made available in the property is in a safe condition. All upholstered furniture and covers and fillings of cushions and pillows should comply with current fire safety legislation. A declaration as to the safety of such furniture must be provided to the Council within 28 days on demand.
- 3.9. The license holder shall proactively inspect and identify any disrepairs or maintenance issues and address them as required.
The following arrangements shall be implemented to fulfil the requirements of this condition. Copies of the documents and evidence must be provided to the council within 28 days on demand.
- Updated log of property inspections for management, repair and maintenance purposes, at least once every 3 months. This should include, date of inspection and actions taken, or repairs carried out.
Schedule of routine maintenance and cleaning programme including works undertaken. Schedule of monthly fire testing report including an evacuation plan.

4. Documents to be displayed

- 4.1 The licence holder shall display a copy of the licence to which these conditions apply in the common parts of the property. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy.
- 1.2 The licence holder shall display a notice with the name, address and emergency contact number of the licence holder or managing agent in the common parts of the property. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days on demand.
- 1.3 The licence holder shall display a copy of the current gas safety certificate in the common parts of the property. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days on demand.
- 1.4 If there have been new tenancies issued after 1 October 2008 for the premises, the licence holder must obtain a valid Energy Performance Certificate (EPC). Copies must be/have been made available to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days on demand. Where individual rooms in a building are rented out and there are shared facilities (e.g. kitchen and/or bathroom), an EPC is not required.

5. Financial management

- 5.1 No person other than the licence holder or the agent named on the licence may collect and receive rental monies from the occupants of the property. The licence holder and/or agent may pass on the rental monies to any third parties as required.

5.2 Where rents are collected or received from occupants, the licence holder must ensure that the payment is recorded and that the occupants receive a receipt for the payment, unless the occupant is an assured shorthold tenant and pays their rent via bank standing order or direct debit. The licence holder must keep a copy of all such records and receipts and must provide the council with a copy of the same within 28 days of any request to inspect them.

6. General

6.1 The licence holder must advise the council department responsible for licensing, in writing or by email of any proposed changes to the construction, layout or amenity provision of the house that would affect the licence or licence conditions. For planning and building regulation queries please refer to the relevant pages on the council's website.

6.2 The licence holder must arrange for access to be granted at any reasonable time and must not obstruct council officers carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.

6.3 The licence holder shall, if required by written notice provide the council with following particulars as may be specified in the notice with respect to the occupancy of the house: The names and numbers of individuals/households accommodated specifying the rooms they occupy within the property and the number of individuals in each household. The particulars shall be provided to the Council within 28 days on demand.

6.4 The licence holder must inform the council of the following directly, in writing or by email, within 28 days of the change occurring;

- Any change in the ownership or management of the property;
- Any change in the address, email or telephone number of the licence holder and/or agent

6.5 The licence holder shall ensure that whilst any alteration or construction works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the premises.

6.6 The licence holder shall ensure that on completion of any works, the property shall be left in a clean tidy condition and free from builders' debris.

Failure to comply with any licence condition may result in proceedings including unlimited fines (plus costs) or a financial penalty of up to £30,000 and loss of the licence.

The property licence and conditions do not imply or grant by inference or otherwise any approval or permission for any other purposes including those for Building Control, Development Control and under The Regulatory Reform (Fire Safety) Order 2005.

Conversely, compliance with any of those requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

Any HMO for more than six people will also require planning permission.

Please contact the planning team to clarify what planning permissions are already in place for the property and advice on the process. Please note that unlawful HMOs may be subject to planning enforcement action. The council do have powers of enforcement against breaches of planning control and that, upon summary conviction, continued failure to meet the council's enforcement requirements could ultimately result in an unlimited fine.

For planning and building regulation queries, please refer to the planning pages on the council's website.

Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with category 1 and category 2 hazards as may be identified under the Housing Health and Safety Rating System (HHSRS) and does not preclude such action.