

Appendix 1



LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Housing Act 2004
(Part 2)

LICENCE CONDITIONS

Licence Conditions – Houses in Multiple Occupation

This document, adopted by Derwentside District Council on XXXXX, sets out the Licence conditions by which all licence holders of mandatory licensable Houses in Multiple Occupation (HMO'S) within Derwentside must adhere to. On licensing a House In Multiple Occupation, some or all of these conditions will be applicable to the property in question.

The licence conditions that will or may be imposed include:

- Mandatory Licence conditions: the conditions which must be imposed, under section 67 and Schedule 4 of the Housing Act 2004
- Discretionary Licence conditions: the conditions that may be applied, under section 67 of the Housing Act, that are considered appropriate for regulating;
 - a) The management, use and occupation, of the house concerned and
 - b) its condition and contents

Such discretionary conditions may include:

- Conditions imposing restrictions or prohibitions on the use or occupation of particular parts of the house by occupiers
- Taking reasonable and practical steps to prevent or reduce anti social behaviour by persons occupying or visiting the house
- Conditions requiring facilities or equipment to be provided as detailed in Section 65 of the Act (baths, wash hand basins, food storage preparation, cooking and laundry)
- Conditions requiring facilities and equipment to be maintained in proper working order
- Conditions requiring the licence holder or the manager of the house to attend training courses in relation to any applicable codes of practice approved under Section 233 of the Housing Act 2004.

Please note that within 5 years of the licence being granted, a Council Officer will carry out a full inspection of the property in accordance with Part 1 of the Housing Act 2004 (Housing Health and Safety Rating System HHSRS) .In granting a licence subject to the conditions contained within this document, it does not insulate the property from any enforcement action under the HHSRS in the future.

It is a criminal offence to breach one or more of these license conditions, liable on conviction of a fine of up to £5,000 and/or the loss of a licence. It is also a criminal offence for a licence holder of a House in Multiple Occupation to allow it to be occupied by more persons than are permitted under the licence, liable on conviction of a fine of up to £20,000.

These conditions will be reviewed periodically to ensure that they remain appropriate to the type of multi occupied housing within the Council's area and the needs of residents.

Information in relation to each condition is highlighted *in italics* throughout this document, although this detail will not be included on any subsequent licence that maybe issued. Should further clarification be required however, please contact: -

Environmental Health Division
Environmental Services Directorate
Derwentside District Council
Civic Centre
Consett
County Durham
DH8 5JA

Email: env.health@derwentside.gov.uk
Telephone: 01207 218311

Mandatory Licence Conditions

1. The licence holder should supply to the occupiers of the house a written statement of the terms on which they occupy it.
 - *The licence holder shall, on demand, submit a copy of the tenancy agreement to the Council.*
 - *Sample tenancy agreements are available at <http://www.landlordlaw.co.uk>.*
2. At the time of application, the licence holder must provide to the Council, if gas is supplied to the house, a gas safety certificate issued by a CORGI approved engineer, in respect of all the gas appliances/flues at the house, obtained within the last 12 months; and thereafter on an annual basis **on the anniversary of the provision of the first such gas safety certificate/of the date of the licence granted the Council.**
 - *NB All landlords are required by the Gas Safety (Installation and Use) Regulations to have all gas installations in their rented properties checked once a year by a Council for Licensed Gas Installers (CORGI) approved engineers. A landlord/manager should not fail in their duty to ensure the safety of tenants in this regard.*
3. The licence holder must ensure that all electrical appliances in the house which are supplied by them are kept in a safe condition at all times. The licence holder shall, at the time of application, and subsequently, on demand, submit a declaration to the Council, as to the safety of electrical appliances.
 - *The licence holder should ensure that the Electrical Equipment (Safety) Regulations 1994 (or any Regulations that replace these) are complied with. This will require inspection and/or Pat testing at appropriate intervals. A person competent in the use of the testing equipment shall undertake any such testing and who has appropriate electrical knowledge and training (a competent electrician or other person in possession of a City and Guilds Certificate 2377).*
 - *The licence holder shall ensure that unsafe electrical appliances are removed from the house and, where appropriate, replaced with appliances complying with all necessary Regulations .*
4. The licence holder must ensure that all furniture in the house supplied by them is in a safe condition. The licence holder shall, at the time of application, and subsequently on demand, submit a declaration, to the Council, as to the safety of such furniture.
 - *The licence holder shall only supply furniture and soft furnishings that complies with relevant safety tests (as prescribed under the Furniture and Furnishings (Fire safety) Regulations 1988 (as amended) and any Regulations which superceded these). All furniture will be labelled to show that it complies with these tests. These labels must not be removed*

5. The licence holder should ensure smoke alarms are installed in the house and to keep them in proper working order. The licence holder shall, on demand, submit a declaration as to the conditions and positioning of such alarms.
 - *The licence holder must ensure that an appropriate automatic fire detection system, which includes smoke alarms, is installed in the house, for the size and type of accommodation offered as recommended in the appropriate section of the current British Standard BS 5839 (Refer to Guidance on Fire Safety in Houses in Multiple Occupation document)*

Discretionary Licensing Conditions

6. The licence holder must not permit the house to be occupied by more than the number of persons specified in the licence.
7. The license holder must not use the property for any other purpose other than as is specified in the licence.
 - *In particular, the licence holder must ensure that common parts of the HMO, including shared living rooms, kitchens, hallways etc are not used for sleeping, either by tenants or their guests.*
8. The license holder must ensure that a copy of the licence together with a copy of these license conditions, are clearly displayed within the common parts of the house for the benefit of all tenants
9. The licence holder must display, within the common parts of the house, his or her contact details together with those of any manager or agent appointed in connection with the running of the house. This must include their: -
 - Name
 - Address
 - Telephone Number including a 24 hour emergency contact number
10. The licence holder shall ensure that notification in writing is given to all occupants at the beginning of their occupancy of the arrangements in place to deal with emergency and other repairs
11. The licence holder must ensure that the persons involved with the management of the house are, to their best knowledge, 'fit and proper persons' for the purposes of the Act.
12. The licence holder must inform the Council immediately any change in ownership or management of the house
13. The licence holder must take reasonable steps to prevent or where appropriate reduce, anti social behaviour by persons occupying or visiting the house. They must also reasonably cooperate with the Council over any action being taken in respect of same.

14. The licence holder must ensure that there are sufficient measures in the property to provide a secure environment for the occupiers.
 - *The licence holder should seek the advice of the Local Police station's crime prevention officer on measures to improve the security of the property, including lettings and communal areas.*
15. The licence holder must ensure that the house is properly managed at all times. In particular, the licence holder must not contravene the Management of Houses in Multiple Occupation's (England) Regulations 2006 or any Regulations that subsequently replace these, and any approved Codes of Practice issued under section 233 of the Housing Act 2004.
 - *Copies of the Management of Houses in Multiple Occupation (England) Regulations 2006 are available at <http://www.opsi.gov.uk/si/si200603.htm> (Statutory Instrument No 372).*
 - *All managers and landlords are expected to be familiar with these Regulations and act in manner so as not to knowingly or without reasonable excuse contravene them .*
 - *All managers must be provided with the necessary funding and authority to ensure the proper management of the House in Multiple Occupation to include, for example, spending on repairs and maintenance*
16. The licence holder must, **if required** by the Council, attend training or otherwise demonstrate competence in relation to any Code of Practice appropriate under section 233 of the Housing Act 2004.
17. The licence holder and or his/her manager must not unreasonably cause or permit the water or drainage supply that is used by any occupier at the House in Multiple Occupation to be interrupted and where any interruption to such supply takes place shall take all reasonable steps to ensure that the supply is restored as soon as reasonably practicable.
18. The licence holder and or his/her manager must not unreasonably cause or permit the gas or electrical electrical supply that is used by any occupier at the House in Multiple Occupation to be interrupted and where any interruption to such supply takes place shall take all reasonable steps to ensure that the supply is restored as soon as reasonably practicable..
19. The licence holder must ensure that all common parts of the House in Multiple Occupation are maintained in good clean order and decorative repair including handrails, windows, stair coverings, fixtures, fittings and appliances.
 - *This does not apply in relation to fixtures, fittings, or appliances that the occupier is entitled to remove from the House in Multiple Occupation or which are otherwise outside the licence holders' control.*
20. The licence holder must ensure that all outbuildings, yards, forecourts and gardens surrounding the property are maintained in repair and kept in a clean, tidy and safe condition.

21. The licence holder must ensure that each unit of living accommodation, including any furniture supplied with it, are in a clean condition at the beginning of each person's occupation of it. In addition, the license holder must ensure that the internal structure and any fixtures, fittings or appliances are maintained in good repair and clean working order.
 - *This does not apply in relation to fixtures, fittings, or appliances that the occupier is entitled to remove from the House in Multiple Occupation or which are otherwise outside the licence holders control. .*
22. The licence holder must ensure that the House in Multiple Occupation is maintained free from serious disrepair and ensure that the exterior of the house is maintained in reasonable decorative order and repair, having regard to its age, character and locality.
23. The licence holder should ensure that suitable refuse receptacles are provided for the storage of house hold refuse within the accommodation, and also, that there are adequate receptacles for the storage of rubbish outside the property, which should be so sited as to be readily accessible to the refuse collection service.
24. The licence holder shall ensure that the electrical installation at the house is kept safe and in proper working order and will ensure that a full periodic inspection of the electrical installation in the house is undertaken every 5 years.
 - *Any such report produced should be on the recognised form in accordance with BS 7671 (or any British standard which replaces this). The inspection must be carried out by an authorisd competent person who is a member of an approved scheme e.g. NICEIC or ECA. The Council may request proof of the qualification.*
 - *The licence holder shall, on demand, submit the latest periodic inspection report to the licensing Authority.*
25. The licence holder must consult with Council before making any material changes to the lay out, amenity provision, fire precautions or mode of occupation of the house.
26. The licence holder must ensure that the house is complaint with Derwentside District Council's Approved standards for Houses in Multiple Occupation, in respect of room sizes and amenity provision in the house, according to the type of accommodation offered. The licence holder shall ensure therefore that the works listed in Schedule 1 to the licence are carried out and completed within the specified time period
27. Appropriate Fire precaution facilities and equipment must be provided of such type, number and location as is consider necessary. The licence holder shall ensure that the works listed in Schedule 2 of this licence are carried out and completed within the specified time period.
28. The licence holder shall ensure that an explanation is given to each tenant at the beginning of their occupancy, regarding all fire precautions and facilities provided in the house. This should include, but not limited to, understanding the alarm, the importance of the fire doors, and protecting the escape route, keeping the escape route free of obstructions and the use of fire fighting equipment.

Schedule 1

Works required to meet the Prescribed Amenity Standards of the House in Multiple occupation

Item 1:

To be completed by:

Schedule 2

Works required to meet the Fire precautions and Facilities Standards for the House in Multiple Occupation

Item 1:

To be completed by: