



## Houses in Multiple Occupation (HMO)

# LICENCE CONDITIONS

Section 67 Housing Act 2004

ADDRESS:

LICENCE NUMBER:

Date of Licence:

Date of Issue :

In accordance with section 67 of the Housing Act 2004, a Licence to operate an HMO is **granted subject to compliance with certain conditions**. The conditions are described under two headings:

1. **General conditions** - these conditions are listed in Schedule A below, and are attached to all HMOs licensed within the Borough.
2. **Specific conditions** - these conditions are listed in Schedule B below and relate only to the above address. These conditions will require the landlord to carry out works of improvement to the HMO within a specified timescale. In some cases these conditions may also restrict the use of part of the premises.

Failure to comply with the specific or general conditions may result in legal enforcement or the variation or revocation of the Licence.

SAMPLE

# Schedule A – General Conditions of HMO Licence

## USE AND OCCUPATION

1. This licence is issued without prejudicing the Council's right to take action under Part 1 of the Housing Act 2004 relating to the licensed premises.
2. The Local Authority may at any reasonable time visit and inspect the licensed premises to check for compliance with the conditions of this licence.
3. The responsibility for compliance with these conditions rests solely with the licence holder. Where conditions have a time limit attached, it is the licence holder's responsibility to ensure compliance. Where a time limited condition is imposed there is no obligation placed upon the local authority to visit to check compliance at the expiry of such time limits and the lack of such a visit does not release the licence holder from their responsibilities.
4. The Licence holder must not permit the licensed premises to be occupied in any other way or by more than the number of persons specified in the licence.
5. The Licence holder must ensure that a copy of the licence together with a copy of these licence conditions are clearly displayed within the common parts of the licensed premises (e.g. the hallway), for the benefit of all tenants.
6. The Licence holder must ensure that all occupants are supplied with an agreed statement of the terms by which they occupy the licensed premises. This statement should ensure that each occupier is made aware of any conditions imposed by the Council relating to the behaviour of occupants and that compliance with any such conditions is made a condition of occupancy.

These conditions are that the occupants shall:-

- a. Not use the licensed premises or allow others to use the property in a way which causes a nuisance, anti-social behaviour, annoyance or damage to any neighbouring, adjoining or adjacent property; or to the owners or occupiers of those properties. This includes any nuisance caused by noise.
- b. Not leave the property unoccupied for more than 28 days without giving the Licence holder and/or manager reasonable notice;
- c. Comply with arrangements made by the manager, owner or licence holder, for the storage and disposal of refuse;
- d. Not cause damage to fixtures, fittings, fire precautions, or structure of the premises. The tenant shall make good any damage, for which they are responsible, to the satisfaction of the license holder;

- e. Not smoke cigarettes, cigars or other noxious products in the common areas of the licensed premises such as any hallway, lounge, kitchen or bathroom. All occupants must abide by any "No Smoking" signs affixed to any parts of the premises;
  - f. Permit the Licence holder and/or manager or their agents or contractors, upon giving at least 24 hours notice in writing, (except in emergencies) to enter the licensed premises at all reasonable times for the purpose of inspection and/or the carrying out of work necessary to meet the conditions of this license or to address a hazardous defect.
7. If the Licence holder is the manager of the premises he will take all appropriate legal action to remedy any breach by the occupants of their tenancy conditions. In particular in relation to condition 6 (a) above, and if appropriate, serve appropriate legal notices to terminate the tenancy and commence possession proceedings within a reasonable period of time. If the licence holder is not the manager of the licensed premises he will ensure that a legally binding agreement with the manager of the licensed premises is in place to ensure that the manager has a similar obligation.
  8. The contact details of the licence holder must be displayed within the common parts of the licensed premises together with those of any manager or agent appointed in connection with the managing of the premises. This must include their:
    - Name
    - Address
    - Daily Contact Telephone number
    - Emergency Contact Number for out of hours use.
  9. The Licence holder shall nominate a representative to act on their behalf at times when they are unavailable due to holidays, sickness or other temporary absences. The occupiers of the premises shall be provided with up to date contact details of the representative.
  10. Should the licence holder intend to be absent from the UK for a period of more than 1 month, they shall notify the Council and confirm in writing the contact details of a suitable person who will act on their behalf.
  11. The Licence Holder shall make reasonable provisions to enable the occupiers of the premises, the Council and any other persons who may be affected, to contact the licence holder or their representative to report an urgent problem or emergency situation. The licence holder or other nominated person shall have sufficient authority to authorise expenditure on repairs or other emergency actions without delay and be authorised to deal with any anti-social behavioural problems linked to the property.
  12. The Licence Holder must ensure that common areas, including shared living rooms, kitchens, hallways etc. of the licensed premises are not used for sleeping, either by tenants or their guests.

## MANAGEMENT OF THE PROPERTY

13. The licence holder must ensure that the licensed premise is properly managed at all times. In applying good standards of management the licence holder must comply with:

- The Management of HMO's (England) Regulations 2006;
- Any relevant Code of Practice approved by the Secretary of State for this purpose which is in force currently or subsequently during the life of the licence.

A summary of the main provisions of the current management regulations is attached to these conditions.

14. The licence holder shall ensure that the licensed premise is inspected at reasonable intervals, (see condition 6 (f) for service of reasonable notice on occupiers) to carry out assessments and inspections to ensure the property is well maintained and that any problems are identified and rectified. Occupants should be notified in writing of any proposed visit, except in the case of an emergency situation where reasonable verbal notice should be given. A copy of any written notices and correspondence must be kept by the Licence holder and/or manager. Copies of the notices and correspondence must be made available to the Local Authority within 48 hours of a request to see them.

15. The licence holder must ensure that where supplies of water, gas or electricity are provided, a suitable and sufficient supply is maintained to each unit of accommodation at all times.

16. Where gas and electrical installations are provided, each occupier must be provided with copies of the current gas safety certificates and electrical survey reports at the beginning of their tenancy and subsequently provided with copies of any new or updated certificate or report during the term of the tenancy.

17. The licence holder must ensure that any persons involved with the management of the house are, to the best of their knowledge "fit and proper persons" as defined by the Housing Act 2004.

18. The licence holder must perform their duties and responsibilities in accordance with landlord/tenant law and in particular ensure that:

- a. Occupants are aware of the procedures for requesting repairs and of landlord/tenant rights regarding access to carry out repairs;
- b. Occupants are aware of their duty to take reasonable care of all amenities, facilities and equipment provided for their use;
- c. Occupants are aware of what services are included within rental payments, the consequences of non-payment, the procedures relating to deposits and the calculation of refunds at the end of a tenancy;
- d. Deposits are handled and processed in accordance with the provisions of the Housing Act 2004 and any current, forthcoming or subsequent regulations.

- e. Legally binding agreements and other documentation relating to the occupation of the premises are fair, clear and concise and are fully understood by the occupants;
  - f. Occupants receive a copy of any document signed by them;
  - g. Occupants have quiet enjoyment of their accommodation;
  - h. The appropriate notices and lawful possession procedures are used when seeking vacant possession.
19. The licence holder must consult with the Borough Council before making any material changes to the layout, amenity provision, fire precautions or mode of occupation of the licensed premises.
20. The licence holder must advise the Borough Council immediately if there has been any transfer of ownership or management of the licensed premises.
21. The Licence Holder must ensure that all amenities, facilities and equipment provided for occupants are adequately maintained and remain available for use at all times.
22. The Licence Holder must ensure that the licensed premises are maintained in good repair, including decorative condition internally and externally.
23. The Licence Holder must ensure that there are adequate arrangements for the storage of household refuse between collections appropriate to the number of occupants.
24. The licence holder must take reasonable practical steps to prevent or where appropriate reduce, anti-social behaviour by persons occupying the property, or any visitors within the curtilage of the property. They must also reasonably co-operate with the Licensing Authority over any action being taken in respect of the same.
25. The Licence Holder shall ensure that all occupants at the commencement of their occupation of the licensed premises are given a copy of the fire emergency evacuation plan and details of any fire precautions installed at the property.

## GAS AND ELECTRICAL SAFETY

26. The Licence Holder must, if gas is supplied to the property, ensure that gas appliances, flues and equipment are inspected by a Gas Safe registered engineer at least every 12 months and that a Gas Safety Certificate, in respect of all gas appliances at the house, is obtained. The original certificate must be provided within seven days of a request from an officer of the Council.
27. The Licence Holder must ensure that all electrical appliances in the licensed premises supplied by them are maintained in a safe condition.
28. The Licence Holder shall hold a periodic electrical survey inspection report for the whole of the electrical installation in accordance with current IEE Wiring Regulations. The report shall be no more than five years old and shall have been produced by a suitably trained, experienced and

competent person. A competent person is deemed to be one accredited by an organisation identified in Part P of the Building Regulations in force at the time of the inspection. Any remedial work relating to the safety of the installation which is identified during this inspection shall be completed within three months of the date of issue of this licence.

29. If no current electrical report is available, one shall be obtained immediately. Any remedial works relating to the safety of the installation which are identified on the periodic electrical survey report must be completed within 3 months following the date of the report.
30. The licence holder shall ensure that the means of escape in the event of fire and other fire precautions are maintained, and that electricity supplies to automatic fire detection and emergency lighting systems are not disconnected or threatened with disconnection by the relevant statutory undertaker.
31. The licence holder shall ensure that in any room where there is a solid fuel burning combustion appliance (i.e. log burner, open fire place) that a carbon monoxide alarm is installed and is kept in proper working order.
32. The licence holder shall ensure that gas or electricity supplies to common parts or shared amenities are not unreasonably withheld or terminated.
33. Where rents are inclusive of gas or electricity the licence holder shall ensure that supplies to units of accommodation are not disconnected or threatened with disconnection by the relevant statutory undertaker.

## FIRE SAFETY

34. The Licence Holder must ensure that all furniture supplied by them in the licensed premises complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended).
35. The Licence holder shall produce, upon request by the Council, a copy of a current Fire Risk Assessment undertaken in accordance with the requirements of the Regulatory Reform (Fire Safety) Order 2005.
36. Where fire alarm and emergency lighting systems have been installed, the licence holder must provide a maintenance log for inspection by the Council. The log must demonstrate that correct maintenance of the systems have been carried out. Correct maintenance shall include annual tests and periodic checks in accordance with British Standard 5839 Part 6:2004 and Part 1:2002; BS 5839-6:2004.

Code of Practice Part 25 (Routine Testing) and Part 26 (Maintenance) states that Grade A systems should be inspected and serviced at periods not exceeding 6 months. Inspections shall be carried out by a 'competent' person with specialist knowledge. The licence holder is expected to ensure six monthly inspections are carried out.

37. All rooms containing cooking facilities shall be provided with suitable fire blankets which comply with BS 7944:1999 or BS EN 1869:1997. The blanket(s) should be provided in a wall-mounted quick release container, positioned at eye level in an unobstructed location.
38. The Licence Holder must ensure that all means of escape and fire fighting equipment installed in the licensed premises are serviced at least annually by a competent person and is otherwise adequately maintained at all times.
39. The Licence holder shall ensure 'No Smoking' signs are suitably displayed in all common parts of the licensed premises such as shared living rooms, kitchens, hallways, dining rooms or similar areas.

## SPACE AND AMENITY STANDARDS

40. The Licence Holder must ensure the property is compliant with *Eastleigh Borough Council's Standards for Houses in Multiple Occupation* according to the type of accommodation offered. A copy of the standards adopted by Eastleigh Borough Council is included with this licence.
41. The Licence Holder must ensure that bathroom and WC compartments are so constructed and located so that no letting is more than 1 floor distant from them.
42. The Licence Holder must ensure, where adequate cooking and food preparation facilities are not provided in each individual let, that shared kitchens are located no more than 1 floor distant, except where suitable dining facilities are provided on the same floor as the shared kitchen.
43. The Licence Holder must ensure that all baths, showers and wash hand basins are equipped with suitable and sufficient hot and cold water supplies.

## FIT & PROPER PERSON

44. The licence holder must, if required by the Council, attend appropriate training or otherwise demonstrate competence in relation to any applicable Code of Practice produced in accordance with section 233 of the Act.

## Shared Kitchen Facilities:

	1 to 5 households	6 to 7 households	8 to 10 households	11 to 13 households
<b>Kitchen Size</b>	7m <sup>2</sup>	8m <sup>2</sup>	10m <sup>2</sup>	12m <sup>2</sup>
<b>Cooking Facilities</b>	1 oven + Grill + 4 Hobs	1 oven + Grill + 1 hob (4 burners) + Microwave	2 Ovens + 2 Grills+ 2 Hobs (8 burners) + 1 Microwave	2 Ovens + 2 Grills+ 2 Hobs (8 burners) + 2 Microwave
<b>Sanitation</b>	1 sink with drainer	1.5 sinks with drainer (with swivel tap to serve both)	1.5 sinks with drainer with swivel tap to serve both + Dishwasher. Or two sinks with separate taps	1.5 sinks with drainer with swivel tap to serve both + 2 Dishwashers. Or 2 1.5 sinks with separate taps
<b>Work Top Sockets (not used for white goods)</b>	4	5	6	8
<b>Usable Work top</b>	2.5m	3.5	4.5	7
<b>Fridge (litres)</b>	100	150	250	400
<b>Freezer (litres)</b>	65	100	150	300
<b>Ventilation / Extraction fan</b>	Min extraction rate of 85m <sup>3</sup> /hr	Min extraction rate of 85m <sup>3</sup> /hr + openable window	Min extraction rate of 85m <sup>3</sup> /hr above each hob + openable window	Min extraction rate of 85m <sup>3</sup> /hr above each hob + openable window

### Additional Notes on Kitchen Facilities

- Where there are 14 or more households a completely separate kitchen *must* be provided.
- Any additional communal space required and the necessary size will be determined on an individual case basis at the determination of the licensing officer.
- Food storage must be provided to the equivalent of a cupboard 500mm high and 400mm wide per household.
- Adequate number of cupboards and/or drawer space must be provided for shared storage of utensils and/or crockery.
- Adequate refuse & recycling bins should be provided for the number of households in accordance with the Council's waste & recycling policy.

## Shared Washroom Facilities:

1 to 5 Persons	6 to 7 Persons	8 to 10 persons	11 to 13 persons	14 + 15
1 bathroom including: • W/C, • Basin, and • Bath or shower	2 bathrooms each including: • W/C, • Basin, and • Bath or shower	2 bathrooms including: • W/C, • Basin, and • Bath or shower	3 bathrooms including: • W/C, • Basin, and • Bath or shower	3 bathrooms including: • W/C, • Basin, and • Bath or shower
1 Separate W/C		1 separate W/C	1 separate W/C	2 separate W/Cs

### Additional Notes on Shared Washroom Facilities:

- Where there are more than 15 households the number and nature of facilities required to be provided in addition to that stated in the table for 15 households will be determined by the licensing officer on an individual case basis.

## Bedroom Standards:

Room Type	Sleeping accommodation only	Combined sleeping and cooking
<i>Child under 10</i>	4.64m	n/a
<i>1 person (10 years +)</i>	6.51m	13m
<i>2 persons (Co-habiting couple)</i>	10.22m	16.5m

### Additional Notes on Bedroom Standards:

- 1 Wash hand basin is to be provided in each letting where it is reasonably practicable. It will be the responsibility of the landlord to demonstrate that it is not reasonably practicable for a wash hand basin to be provided in each room. Regard should be given to the age and character of the HMO, the size and layout of each room and its existing provision for wash hand basins, toilets and bathrooms
- Adequate and suitable heating to be provided per room. The heating must be controllable by the occupant of the room.
- Adequate and suitable ventilation to be provided per room.

## Fire Safety Standards

- Fire doors to FD30s standard (self-closure, cold smoke seals and intumescent strips) should be provided to:
  - All bedrooms,
  - Kitchen(s)
  - Any other risk rooms (as identified by fire risk assessment).
- Keyless exits in the form of thumb turn locks should be provided on all exit routes.
- Fire Blanket located in the kitchen in advisable and accessible position.
- Emergency lighting in escape routes where there is insufficient borrowed light.
- 1 - 2 storey properties require a Grade D: LD2 Automatic Fire Detection System.

This comprises a mains-wired alarm system with battery backup, incorporating:

Smoke detectors for:

- All circulation spaces that form part of the escape routes from the dwelling
- All bedrooms
- All other rooms or areas that present a high fire risk to occupants

Heat detectors

- To kitchen(s).

- 3+ story properties require a Grade A: LD2 Automatic Fire Detection System.

This comprises a system of electrically operated smoke and/or heat detectors which are linked to a control panel. The control panel must conform to current BS 5839: part 4 (or equivalent). In general, the system must incorporate:

- Manual call points which should be located next to final exits, and in larger multi-storey properties, on each landing.
- The alarm signal must achieve sound levels of not less than 65dB (A) in all accessible parts of the building and not less than 75dB (A) at all bed-heads when all doors are shut, to arouse sleeping persons.

## Schedule B – Specific Conditions of HMO Licence

These conditions are specific to the property for which the licence is issued.

1. The Above mentioned property is licensed for a maximum of X **persons forming X Households** The maximum persons per room is as follows.
- 2.

Room	Max number of persons
Bedroom 1	
Bedroom 2	
Bedroom 3	
Bedroom 4	
Bedroom 5	
Bedroom 6	

Refer to attached plan.

3. Rooms unsuitable for occupation for sleeping accommodation :
  - a. Entrance Hall
  - b. Landing
  - c. Kitchen/ Diner
  - d. Utility
  - e. Reception Room

Refer to attached plan.

4. The license holder shall be expected to reduce the number of persons, where necessary, at the earliest opportunity. However exiting tenancies must be allowed to run their full term unless they are terminated by mutual agreement. Termination of any tenancy must be undertaken in accordance with statutory requirements.

## Notes:

- I. Any reference to “the Act” contained within these conditions refers to the Housing Act 2004.
- II. Section 67 of the Act provides for the attaching of conditions as the Local Housing Authority considers appropriate for regulating all or any of the following:
  - a. the management, use and occupation of the house concerned, and
  - b. its condition and contents.
- III. A licence MUST include certain conditions specified in Schedule 4 of the Act.
- IV. The Licensing Authority will be Eastleigh Borough Council.
- V. In applying good standards of management the licence holder must comply with:
  - a. The Management of HMO’s (England) Regulations 2006;
  - b. Any Code of Practice approved by the Secretary of State for this purpose
  - c. Generally accepted good residential management practice.
- VI. Licensing of this HMO does not imply it has the necessary Planning Consent or complies with any other legislation.

## Summary of the Management of Houses in Multiple Occupation (England) Regulations 2006

If the licence holder is also the manager of the property, he/she is required to comply with the requirements of Regulations 3 to 9 of the Management of Houses in Multiple Occupation (England) Regulations 2006 (*Statutory Instrument 2006 No. 372*). If the licence holder is not also the manager of the property, then the licence holder will be required to ensure that the manager complies with the requirements of the Regulations.

### REGULATION 3

- The manager must provide occupiers with details of his/her name, address and contact telephone number and must display such details in a prominent position within the HMO.

### REGULATION 4

- The manager must ensure that the property is of safe design and construction.
- The manager must ensure that any means of escape from fire are maintained and free from obstructions, that all fire safety measures are maintained, and that any fire notices are clearly visible.
- The licence holder is also required to provide the Council with copies of annual inspection and test certificates for automatic fire detection systems, emergency lighting systems and automatic sprinkler systems, when installed.

## REGULATION 5

- The manager must maintain a suitable and sufficient water supply and drainage system to the property.
- The manager must ensure there is no unreasonable interruption to the water supply or drainage.

## REGULATION 6

- When requested by the Council, the manager must supply within 7 days, the latest gas safety certificate for the property following an inspection that has been carried out by a CORGI registered engineer and is required to provide the Council with copies of annual gas safety certificates.
- The manager must ensure that the property's electrical installation is inspected and tested at least every five years, and that, when requested, the latest inspection certificate is supplied to the Council within 7 days.
- The manager must ensure there is no unreasonable interruption to the gas or electricity supplies used by any occupier.
- The licence holder will be required to ensure that any remedial works identified following an inspection of the gas and electrical installations and appliances are carried out within a reasonable time.

## REGULATION 7

- The manager must ensure that all common parts, fixtures, fittings and appliances are well maintained.
- The manager must ensure that outbuildings, yards, gardens, and boundary walls, fences and railings are well-maintained and safe.

## REGULATION 8

- The manager must ensure that units of accommodation and any furniture supplied are clean and in good repair at the commencement of a tenancy, and that any fixtures, fittings or appliances within the letting are clean and in good working order.

## REGULATION 9

- The manager must ensure that a sufficient number of suitable refuse bins are provided for the occupiers, and that, where necessary, arrangements are made for the disposal of refuse and litter.

**N.B.** If you require full details of the Regulations you can obtain a copy from Stationery Office Ltd or on-line at: <http://www.opsi.gov.uk/si/si200603.htm>