

## **Houses in Multiple Occupation Licence Conditions**

### Schedule 1

#### **1. Gas Safety**

1.1. The licence holder shall ensure compliance with the Gas Safety (Installation and Use) Regulations 1998 and, in particular, shall:

- ensure that an annual safety check is carried out by a Gas Safe registered engineer on each gas appliance/flue in the property; and
- submit to the Council, a gas safety certificate obtained within the last 12 months in respect of the property, within seven days of a request being made.

1.2. The licence holder shall provide a copy of any newly obtained Gas Safety Certificate to the council, outside of any specific request, within 14 days of being issued.

#### **2. Safety of Electrical Appliances**

2.1. The licence holder shall ensure that all electric appliances that they make available in the property comply with the Electrical Equipment (Safety) Regulations 1994 and are kept in a safe condition and in proper working order.

2.2. The licence holder shall ensure that all electrical appliances that they make available in the property are inspected visually for defects (e.g. frayed wiring, badly fitting plugs etc) at the beginning of each occupancy, regularly thereafter and in any event every two years.

2.3. The licence holder shall ensure that Portable Appliance Testing is carried out by a qualified electrician, at least once a year, on appliances that are provided by the licence holder.

2.4. The licence holder shall ensure that any electrical appliances or earthed equipment certified as being unsafe are immediately removed from the property.

2.5. The licence holder shall ensure that a written record of visual inspections and tests is maintained.

2.6. Throughout the entire licence condition period, the licence holder shall submit to the Council, the written record of visual inspections and tests referred to in 2.2 and 2.3, within seven days of a request being made.

2.7. Throughout the entire licence condition period, the licence holder shall submit to the Council, a declaration as to the safety of the electrical appliances, within seven days of a request being made.

#### **3. Furniture and Furnishings (Fire safety)**

3.1. The licence holder shall ensure compliance with the Furniture and Furnishings (Fire Safety) Regulations 1988 in respect of any upholstered furniture supplied by them, including chairs, sofas, children's furniture, beds, upholstered headboards, mattresses, scatter cushions, seat pads, pillows and upholstered garden furniture.

3.2. The licence holder shall ensure that all furniture made available by them is kept in a safe condition to the satisfaction of the Council.

3.3. The licence holder shall submit to the Council a declaration as to the safety of such furniture within seven days of a request being made.

#### **4. Smoke Alarms/Fire Detection Systems**

4.1. The licence holder shall ensure that at all times an automatic fire detection and warning system designed in accordance with BS 5839-6:2013 Grade A/LD2 (with detectors to all hallways, kitchens, living rooms and bedrooms) / BS 5839-6:2013 Grade D/LD3 (with detectors to.....) is installed in the property and is maintained in proper working order at all times.

4.2. Grade A System: The licence holder shall ensure that the fire alarm system in the property is inspected, tested and maintained in accordance with B.S. 5839-1:2017. In particular the following shall be carried out:

- every week a check on the system shall be carried out in accordance with the recommendations of 44.2 of BS 5839-1:2017 and the check noted in the logbook.
- every 6 months the system shall be inspected and serviced in accordance with the recommendations of clause 45 of the BS 5839 -1: 2017. This shall be carried out by a competent person with specialist knowledge of fire detection and fire alarm systems, including knowledge of the causes of fire alarms, sufficient information regarding the system and adequate access to spares. The servicing engineer must be third party certificated, by a UKAS- certificated certification body, to carry out inspection and servicing of fire alarm systems. The check must be noted in the logbook and a certificate issued confirming the test.

Grade D System: The licence holder shall ensure that the fire alarm system in the property is inspected, tested and maintained in accordance with the manufacturers instructions. In particular the following shall be carried out:

- every week a check on the system shall be carried out by testing one of the alarms (a different one each week) and the check noted in the logbook.
- every 12 months the alarms must be inspected and cleaned in accordance with the manufacturer's instructions and the check noted in the logbook.
- The above tests must be carried out by a responsible person who has been adequately trained to undertake the task.

4.3. Throughout the entire licence condition period, inspection and servicing certificates and copies of the logbook shall be submitted to the Council within seven days of a request being made.

4.4. Throughout the entire licence condition period, the licence holder shall submit a declaration as to the condition and position of any smoke alarms/detectors in the property to the Council within seven days of a request being made.

## **5. Written Agreements**

5.1. The licence holder shall, at the commencement of the tenancy, supply to the occupiers of the property a written statement of the terms on which they occupy it (tenancy agreement, licence or occupancy agreement).

5.2. The licence holder shall submit a copy of the written statement referred to in 5.1 to the Council within seven days of a request being made.

5.3. The licence holder shall retain a signed copy of the written statement referred to in 5.1, and proof of the provision of the written statement to the occupier, throughout the occupier's period of occupation, and retained for a minimum of 5 months after the occupation period has concluded.

## **6. Refuse Arrangements**

6.1. The licence holder shall ensure there are satisfactory arrangements in place for waste storage and disposal at the property. This must include adequate provision of waste storage and recycling bins within the boundary of the property; these must be stored in a neat and tidy manner.

6.2. The licence holder must provide the tenants with waste collection information, for example, the collection days for the specific types of waste and recycling and the items that can be placed in each bin.

6.3. The licence holder must ensure that any kind of waste, including household and bulky waste, which the Council will not ordinarily collect (e.g. large items of furniture, hazardous waste etc.) are disposed of responsibly and appropriately.

6.4. The licence holder must ensure that they have provided the above instructions in writing by posting a copy in the communal area of the property and retain proof of the provision of the requirements individually to the occupier, throughout the occupier's period of occupation, and retained for a minimum of 5 months after the occupation period has concluded.

## **7. Minimum Room Sizes**

7.1. The licence holder shall ensure that the numbers of households and/or persons residing in the property do not exceed the maximum numbers specified in the licence. These numbers will relate to the amenities that are, or can be, provided and/or to the size and layout of the units of accommodation available.

7.2. The licence holder must ensure that the total number of persons occupying the property at any one time never exceeds the occupancy as laid out in the table below. The permitted occupancy of the property is detailed below:

<b>Room</b>	<b>Size (m<sup>2</sup>)</b>	<b>Permitted Occupancy</b>	<b>Notes / Style of occupancy</b>
<b>Total (maximum) number of occupiers</b>			

7.3. The licence holder must not carry out any works to the property to reduce the size of the rooms without first consulting the local authority to ensure minimum space standards are not breached.

7.4. Only rooms in the table above can be used for sleeping accommodation / occupation at any time.

## Schedule 2

### **8. Emergency Escape Lighting**

8.1. The licence holder shall ensure that the escape lighting in the house is inspected, tested and serviced generally in accordance with British Standard 5266-1:2016. In particular, the following shall be carried out:

- Daily – Visually inspect the indicators of central power supply for correct operation. The occupiers of the property can be asked to contact the licence holder if they note that the indicator light is no longer operational.
- Monthly – A test must be undertaken in accordance with Section BS 5266-1:2016. The test requires that the electrical supply is switched off to check that the emergency lights are operational. The test must be carried out by a responsible person who has been adequately trained to undertake the task and the test, any defects and remedial action taken noted in the logbook.
- Annually – A test must be undertaken in accordance with Section BS 5266-1:2016. This requires a full discharge test and must be carried out by a competent person. A competent person includes NICEIC enrolled contractors or ECA members who are familiar with all British Standards relating to emergency escape lighting systems, regularly inspect emergency lighting systems, are qualified to inspect emergency lighting systems and whose work is subject to regular assessment.

8.2. Throughout the period the licence remains valid, periodic and test certificates in the format recommended by BS 5266-1:2016 shall be submitted to the Council within seven days of a request being made.

### **9. HMO Management Regulations and Approved Codes of Practice**

9.1. The licence holder shall comply with The Management of Houses in Multiple Occupation (England) Regulations 2006 and any Approved Code of Practice issued under section 233 of the Housing Act 2004.

### **10. Safety of Electrical Installations**

10.1. The licence holder shall ensure that every fixed electrical installation in the property is kept in safe and proper working order, to the satisfaction of the Council, at all times.

10.2. The licence holder shall ensure that a periodic inspection of the electrical installation in the property is undertaken in accordance with BS 7671, at intervals of no more than 5 years.

10.3. The licence holder shall submit the latest Electrical Installation Condition Report in the format recommended in Appendix 6 of BS 7671 to the Council within seven days of a request being made.

10.4. The licence holder shall ensure that this report is issued by a competent person. A competent person in this respect includes NICEIC enrolled contractors or ECA members who regularly inspect and are qualified to inspect domestic electrical installation systems and whose work is subject to regular assessment.

10.5. The licence holder shall provide a copy of any newly obtained Electrical Installation Condition Report or Electrical Installation Certificate to the council, outside of any specific request, within 14 days of being issued.

## **11. Fire fighting equipment**

11.1. The licence holder must ensure that all fire fighting equipment installed in the property is serviced in accordance with B.S. 5306- 3 and the manufacturers instructions at least once a year and is adequately maintained at all times. The licence holder shall submit the annual service certificates/documentation to the Council within seven days of a request being made.

## **12. Display of Information**

12.1. The licence holder shall ensure that the following are prominently displayed in the common parts of the building at all times.

- a copy of the current Gas Safety Certificate
- a copy of the latest electrical installation condition report
- contact details (name, address, telephone number and email address (if relevant)) of the licence holder
- contact details (name, address, telephone number and email address (if relevant)) of any manager
- a notice detailing the action to be taken in the event of a fire.
- contact details (name, address, telephone number and email address (if relevant)) of the person to contact in an emergency
- details on how to dispose of waste, including details of any collection services provided for the property

## **13. Notification/consultation of changes**

13.1. The licence holder must notify East Suffolk Council in writing of relevant changes including: any new convictions/cautions relevant to the fit and proper person test; any change of ownership or management of the property; any change in the address, email or contact telephone number for the licence holder or the manager and any change to the mortgagee. The notification must be made within one month of the changes.

13.2. The licence holder must consult with the Council at least 28 days before making any material changes to the layout, amenity provision, fire precautions or occupation of the property.

## **14. Absence**

14.1. The licence holder is required to have in place suitable emergency and other management arrangements in place in the event of their absence.

## **15. Anti-Social Behaviour**

15.1. This is a procedure to be followed if or when a landlord has been made aware of the occurrence of anti-social behaviour. For the purpose of transparency, this process should be made available to tenants at the start of their tenancy agreement.

15.2. The licence holder must cooperate with the Council, Suffolk Constabulary and any other agencies in resolving complaints of anti-social behaviour.

15.3. The licence holder should address problems of anti-social behaviour resulting from the occupiers or their visitors by following the procedure set out below:

- 15.3.1. 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 in writing of the allegations made against them and of the consequences of its continuation.
- 15.3.2. The licence holder shall monitor any allegations of anti-social behaviour for a period of 28 days, from the date the complaint was received.
- 15.3.3. If after 28 days, it is found that the anti-social behaviour is continuing the licence holder must visit the premises within 7 days and provide the tenant with a warning letter advising them of the possibility of eviction if their behaviour continues.
- 15.3.4. If after 14 days of giving a warning letter, the tenant has not taken steps to address the anti-social behaviour and it is continuing, the licence holder shall take action, which may include legal eviction proceedings.
- 15.3.5. The licence holder must ensure that written notes are kept of any meetings, telephone conversations or investigations regarding anti-social behaviour for 3 years, and if requested by the Council, provide this information within 28 days on demand.
- 15.3.6. Any letters, relating to antisocial behaviour, sent or received by the licence holder must be kept for 3 years by the licence holder and if requested by the Council, provide copies of them within 28 days on demand.
- 15.3.7. Where the licence holder or his agent has reason to believe that the antisocial behaviour involves criminal activity the licence holder shall inform the appropriate authorities.

15.4. The licence holder shall, include a suitable clause relating to anti-social behaviour/nuisance in all tenancy agreements. The licence holder shall, at the commencement of the tenancy ensure that each occupier is made aware of this clause. The licence holder shall ensure that this information is provided in the first language of each of the occupiers.

## **16. Fire Risk Assessment**

16.1. The licence holder shall carry out a suitable and sufficient fire risk assessment of the HMO. The risk assessment is to be kept under review and should be reviewed on a periodic basis; if any significant changes are made to the layout or design of the HMO or in the way in which it is occupied; if the HMO is subject to any enforcement action by the District Council or Fire Service that relates to fire safety matters; and/ or after a fire event. The legal requirement for a fire risk assessment is made by the Regulatory Reform (Fire Safety) Order 2005.

16.2. The licence holder shall provide all occupants of the HMO with a fire safety guide detailing the following: action to be taken in the event of a fire; the occupiers responsibilities as regards not interfering with any of the fire safety measures in the property; the occupiers responsibilities as regards notifying the licence holder of any defects to the fire safety measures as soon as they are aware of them and basic fire safety guidance.

## **17. General Management Issues**

17.1. The licence holder, when requested to produce documentation to the Council, should have them delivered to: Private Sector Housing team, East Suffolk Council, Riverside, 4 Canning Road, Lowestoft, Suffolk NR32 3BZ, or alternatively, delivered via electronic mail as a PDF file type, to [ps.housing@eastsuffolk.gov.uk](mailto:ps.housing@eastsuffolk.gov.uk)

17.2. The licence holder must ensure that common areas including shared living rooms, kitchens, hallways etc of the property are not used for sleeping, either by tenants or their guest(s).

17.3. The licence holder shall conduct a right to rent check on all prospective occupants (over the age of 18) of the HMO prior to their occupation. Guidance on how to comply with the legislation regarding right to rent checks can be sourced from the website <https://www.gov.uk/check-tenant-right-to-rent-documents>

17.4. The licence holder shall ensure that all tenancy deposits are made into an appropriately registered Deposit Protection Scheme. A written record of deposits held should be provided to the council, on request, within seven days of a request being made. A copy of each occupier's deposit(s) registration details should be retained for the entire occupation period of each occupier, including proof of the registration details having been provided to the occupier, and should be retained for a minimum of 5 months after the occupation period ends.

17.5. The licence holder shall ensure that any repairs, maintenance, improvement works or treatments undertaken at the premises are carried out by suitably qualified and competent persons (who are directly employed or sub-contracted by the licence holder or HMO manager) in a safe manner as to ensure, as far as is reasonably practicable, the health and safety of all persons occupying or visiting the HMO.

17.6. No other persons other than the licence holder or HMO manager named on this licence can collect and receive rental monies from the occupants of the HMO. These monies can be passed on to a third party if required.

17.7. The licence holder shall ensure that each occupier is able to control the time and temperature of hot water and heating facilities, at all times.

17.8. The licence holder must have regard to the risk of legionnaires disease in the property and ensure there are adequate control measures in place to ensure the risk remains low. Such measures should include flushing the system after any period when the property has been unoccupied; avoiding debris getting into the system; ensuring any stored hot water is at least 60°C in temperature; regularly cleaning and disinfecting shower heads in common bathrooms and removing any redundant water pipes.

17.9. The licence holder shall ensure that no smoking occurs in the common parts of the property in accordance with The Health Act 2006. It is also strongly recommended that smoking is not permitted anywhere in the property.

18. **Note – any works required to make the house reasonably suitable for occupation for the number of persons stated in the licence are to be listed here as additional conditions. See additional Word document for standard paragraphs (kitchens, baths, WCs etc)**

#### **Limitations of this Licence**

**Licence Transfer** – This licence is non-transferrable and therefore cannot be passed or sold to another person, organisation or property.

**Registered Companies** – If the licence holder is a registered company and it is dissolved whilst the licence is in force, the licence ceases to be in force on the date of dissolution.

**Planning Permissions** – This HMO licence does NOT grant any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise.

- If the premises to which this licence applies is operating as an HMO this may represent a breach of planning control and you should check with the Local Planning Authority to ensure that the correct planning permissions are in place.

- This HMO licence does not offer any immunity, protection or excuse against any enforcement action taken by the Local Planning Authority. If you are unclear on the matters outlined above you should seek professional planning advice.

**Building Control** – This HMO licence does NOT grant any Building Control approvals, consent or permissions, retrospectively or otherwise. This HMO licence does not offer any immunity, protection or excuse against any enforcement action taken by the Building Control department.

**Property Condition** – This HMO licence is NOT proof or evidence that the HMO is in a safe condition and free from hazards and/or defects. The HMO licence does not prevent criminal or civil action from being taken against the licence holder, or anyone else with a legal interest or estate in the premises, if any hazards or nuisances are found, or any other problems are discovered in relation to the condition of the HMO.

It is not the responsibility of the Council's Private Sector Housing team to ensure that the HMO is compliant with the above limitations.

**Prosecutions / Contraventions Consequences** – Please note that any prosecution or enforcement action or legal action taken against the licence holder, or anyone associated with the licence holder, or the management of the HMO, may affect the licence holder's 'fit and proper person' status. The Council can revoke or vary the licence at any time, giving proper statutory notice.

**Consumer Rights & Unfair Practices** – The licence holder's attention is drawn to the Office of Fair Trading (OFT) guidance on unfair contracts when conducting business, drawing up tenancies, contracts or the service of notices on the occupants of the HMO and/or agents. The licence holder must act in good faith and must not partake in behaviour that could be considered a misleading act or omission. Full information should be supplied to any prospective occupier of the HMO with regard to the conditions of this licence.

**Penalty for breach of Licence Conditions** – Failure to comply with any of the conditions of this licence may result in enforcement action and/or prosecution being taken against the licence holder. A breach of a licence condition is a criminal offence that now attracts, on summary conviction, an unlimited fine for each offence. Alternatively, the Council can now apply a civil penalty in lieu of a criminal prosecution for each evidenced offence.

Signed: .....

Title: .....

Date: .....