

## Mandatory Licensing of Houses in Multiple Occupation

### A Guide for Landlords and Managing Agents

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# 1 INTRODUCTION

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The legal minimum standards for all HMO's are set out in the [Housing Act 2004](#) and national regulations. The [HMO Management regulations](#) cover the legal duties for the day to day running of HMO's.

The Council, under the Housing Act 2004, is required to administer the mandatory HMO licensing scheme in the City of Newcastle upon Tyne with a duty to inspect and improve HMO's.

With effect from 1 October 2018 mandatory licensing will no longer be limited to certain HMO's that are three or more storeys high but will also include buildings with one or two storeys.

Therefore, all HMO's having 5 or more occupants living in 2 or more households who share facilities i.e. kitchen, bathroom will require a licence.

## 2 WHAT IS AN HMO?

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The current definition of a house in multiple occupation can be found in section 254 of the Housing Act 2004 (as amended). The definition covers many different types of properties.

Amenities means a toilet, personal washing facilities, or cooking facilities. The degree of sharing is not relevant and there is no requirement that all the households share those amenities.

In order to be an HMO the property must be used as the tenants' only or main residence. This includes properties let to students and migrant workers and also properties used as domestic refuges.

The definition covers many different types of properties including:

- 1) A house which has been converted entirely into bedsits or other non-self-contained accommodation and which is let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.
- 2) A converted house which contains one or more flats which are not wholly self-contained (ie the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by 3 or more tenants who form two or more households.
- 3) A building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies.

## 3 WHAT IS A HOUSEHOLD

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A household is defined in the Act as being members of the same family living together including:

- 1) Couples married to each other or living together as husband and wife (or in an equivalent relationship in the case of persons of the same sex)
- 2) Relatives living together, including parents, grandparents, children (and step-children), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins
- 3) Half-relatives will be treated as full relatives. A foster child living with his foster parent is treated as living in the same household as his foster parent.
- 4) Any domestic staff are also included in the household if they are living rent-free in accommodation provided by the person for whom they are working.

## 4 EXEMPTIONS FROM THE DEFINITION

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Certain types of properties are exempted from being defined as HMO's and these include:

- 1) A property where the landlord and their household lives with up to two tenants
- 2) Buildings which are occupied entirely by freeholders or long leaseholders
- 3) Buildings which are owned or managed by a public body (such as the NHS or police), a local housing authority or a registered social landlord
- 4) A building where the residential accommodation is ancillary to the main use of the building, for example, religious buildings, conference centres etc
- 5) Buildings which are already regulated (and where the description of the building is specified in regulations), such as care homes, bail hostels etc. (Domestic refuges are not exempt).

## 5 HOW LONG WILL THE LICENCE LAST?

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Housing Act 2004 Section 68(4) provides that a licence may be granted for a maximum of 5 years. Licences will be granted for this period where landlords have been found to be compliant with previous licence conditions, maintained good property standards and demonstrated good management standards.

If the Council has evidence to suggest that management arrangements or property conditions are not entirely satisfactory, or where the Council has taken intervention against a landlord which does not warrant refusal to grant a licence, or where concerns are raised by the police or other statutory enforcement agency, licences may be granted for a lesser period of 1 year. Please refer to the Cause for Concern Test.

1 YEAR LICENCE	5 YEAR LICENCE
<ul style="list-style-type: none"> <li>• Late application following 1 or more reminders</li> <li>• Missing or unsatisfactory documentation</li> <li>• Poor history of compliance</li> </ul>	<ul style="list-style-type: none"> <li>• On-time application with all necessary documentation showing that installations are in a satisfactory condition and all management arrangements are satisfactory.</li> <li>• Good history of compliance</li> </ul>

## 6 THE APPLICATION PROCESS

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An application form must be completed in full and submitted with the supporting documentation and certification together with the appropriate fee. Further information on this can be found at

<https://www.newcastle.gov.uk/housing/houses-in-multiple-occupation/hmo-licensing>

**Before making an application for a licence for a House in Multiple Occupation (HMO), please ensure that you have read the standards in Appendix 1.**

## 7 DOCUMENTATION REQUIRED WITH APPLICATION.

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- 1) A current (within 12 months) Gas Safety Certificate (CP12) issued by a Gas Safe registered engineer (where gas is used in the house).
- 2) A current (within 12 months) PAT certificate for any electrical equipment supplied to the tenants that is more than a year old.
- 3) A copy of the current electrical installation condition report. The report must be produced on the recognised form (British Standard 7671). The inspection must be carried out by an authorised competent person who is a member of an approved scheme (e.g. NICEIC or ECA).
- 4) A plan of the premises. This plan should be used to identify the bedrooms and the number and location of amenities within the house. It need not be to scale but should indicate room dimensions. It should also show the position of any smoke/heat detectors/alarms and any fire doors installed in the house.
- 5) A current (within 12 months) and satisfactory fire alarm test certificate for the premises carried out by a competent engineer in accordance with BS 5839.

If the documents are not provided the application will be deemed invalid and will not be processed.

## 8 WHAT HAPPENS IF I FAIL TO APPLY FOR A LICENCE?

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It is your responsibility to ensure you have made a full and valid licence application.

It is a criminal offence to let a property that is required to be licensed without applying for a licence. There is a range of sanctions that could be applicable depending on the individual circumstances; these are detailed in the [Private Sector Housing Enforcement Policy](#).

For any period where an unlicensed property is being privately rented, an application can be made to the Residential Property Tribunal for a Rent Repayment Order. This could mean a landlord having to repay up to 12 months of rent.

In addition, the s.21 possession proceedings cannot be taken whilst a property that is required to be licensed is not licensed and the council may make a Rent Repayment Order (RRO) for up to 12 months' rent.

## 9 RIGHT OF APPEAL

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If a landlord feels that the council has made a decision that is unfair they should contact us so that we can explain the reasons for the decision and hopefully resolve the problem. If the landlord still feels that the council has acted unfairly by

- 1) Refusing to grant a licence
- 2) Imposing certain conditions on a licence
- 3) A decision to vary a licence
- 4) A decision to revoke a licence

The landlord can appeal to the First-tier Tribunal (Property Chamber) (FTT) using the contact details below. The FTT is an expert, independent tribunal that act in the same way as the County Court to confirm, vary or overturn the council's decision.

### **FTT Northern region**

1st Floor, Piccadilly Exchange  
2 Piccadilly Plaza, Manchester, M1 4AH

Email [rpnorthern@justice.gov.uk](mailto:rpnorthern@justice.gov.uk) Telephone 0161 237 9491 Fax 01264 785 128

If you wish to make a complaint about the service, you have received you can contact the Councils Corporate Complaints Officer using the contact details below:

- Phone: 0191 278 7878 and ask for 'Complaints'
- Email: [complaints@newcastle.gov.uk](mailto:complaints@newcastle.gov.uk)
- Write to us at: Complaints at Newcastle, Newcastle City Council, Civic Centre, Newcastle upon Tyne, NE1 8QH.

## 10 APPENDIX 1: HMO LICENSING STANDARDS

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The licence will specify the maximum number of occupants and or households. The occupancy number will depend upon the number and size of rooms and the kitchen and bathroom facilities.

The Council is required to include on licenses mandatory conditions. In addition, the Council may include further licence conditions relating to housing and management standards.

Also, when deciding whether to grant a licence the Council must be satisfied that the HMO is reasonably suitable for occupation by the maximum permitted number of households or persons. When deciding these issues, the Council will have regard to these Standards. Each decision on these issues will be made on the individual circumstances of the case.

The standards contained in this document also relate to HMO's that do not require a licence. This would include any residential property occupied by 3 or 4 persons from 2 or more households.

All HMO's are subject to the Housing health & Safety Rating System (HHSRS). This is a risk-based evaluation tool to help local authorities to identify and protect tenants against potential risks and hazards to health and safety from any deficiencies identified in dwellings.

## 10.1 SPACE STANDARDS

<b>Minimum bedroom sizes</b>	
<b>Property with communal lounge (excluding kitchen)</b>	<b>Minimum room size</b>
Bedroom for 1 person	6.51 m <sup>2</sup>
Bedroom for 2 people living together as a couple	10.22 m <sup>2</sup>
Bedroom for 2 people not living together as a couple but who have given consent in writing to share a bedroom.	13.0 m <sup>2</sup>
Bedroom for under 10yrs of age (Let in connection with one of the rooms above)	4.64 m <sup>2</sup> -6.5 m <sup>2</sup>
<b>Property without communal lounge</b>	<b>Minimum room size</b>
Bedroom for 1 person	10.0 m <sup>2</sup>
Bedroom for 2 people	15.0 m <sup>2</sup>
<b>Letting contains cooking facilities</b>	<b>Minimum room size</b>
Bedroom for 1 person	18.6 m <sup>2</sup>
Bedroom for under 10yrs of age (Let in connection with one of the rooms above)	4.64 m <sup>2</sup> -6.5 m <sup>2</sup>

The calculation of room size only takes into consideration that part of the room where the ceiling height is greater than 1.5m and only takes account of useable space.

All rooms used for sleeping accommodation must have natural ventilation, natural lighting and an unobstructed outlook and must also be capable of accommodating:

- 1) a bed
- 2) a wardrobe (unless there is a built-in wardrobe or cupboard of adequate size)
- 3) a chest of drawers

## 10.2 SPACE HEATING

- 1) Space heating must be provided in each unit of accommodation (i.e. bedrooms and common rooms).
- 2) It must be sufficient to protect the occupiers from excess cold and controllable enough to protect them from excess heat.
- 3) Where central heating is not installed other adequate, appropriate, affordable, programmable, controllable and efficient heating sources must be provided. The property should be free from category 1 hazards.

The following temperatures must be capable of being reached and maintained for each room as specified;

Rooms	Temperature
Bedrooms only	18°C
Living /Dining Room	21°C
Study	21°C
Bathroom with WC	21°C
Kitchens and separate WC	18°C
Dining Kitchens	21°C
Circulation areas	16°C

## 10.3 KITCHEN FACILITIES

There must be a kitchen, suitably located in relation to the living accommodation, having a suitable layout and size and equipped with adequate facilities so as to allow the safe and hygienic storage, preparation and cooking of food. The room must be provided with an externally vented extraction system.

For up to 6 persons the kitchen or kitchen area should have a usable floor area (measured wall to wall, including space occupied by units/cabinets) of at least 7.0m<sup>2</sup>.

1. For each occupant in excess of 6 an additional 1.0m<sup>2</sup> per person is required up to a maximum of 13.0m<sup>2</sup>

Number of occupiers	Minimum Kitchen Facilities Required
<b>1 – 6 persons</b>	<p>1 gas or electric cooker with a minimum of 4 burners/rings, grill and oven</p> <p>1 sink with a draining board and a hot and cold water supply</p> <p>Fridge(s) with a total capacity of 150 litres</p> <p>Separate freezer OR equivalent size fridge/freezer</p> <p>1.5 linear meters of workbench next to cooking facilities</p> <p>Electrical sockets must be sufficient to facilitate the use of each fixed appliance plus two double socket outlets.</p> <p>500mm cabinet per person</p>
<b>7 – 12 persons</b>	<p>1 gas or electric cooker with a minimum of 4 burners/rings, grill and oven plus 1 microwave <u>OR</u></p> <p>2 gas or electric cookers each with a minimum of 4 burners/rings, grill and oven cookers.</p> <p>1 sink with a draining board and a hot and cold water supply</p> <p>1 dishwasher</p> <p>Fridge(s) with a total capacity of 170 litres plus 20 litres per person in excess of 7 persons.</p> <p>Separate freezer(s) OR equivalent size fridge/freezer</p> <p>3 linear meters of workbench next to cooking facilities</p> <p>Electrical sockets must be sufficient to facilitate the use of each fixed appliance plus two double socket outlets.</p> <p>500mm cabinet per person</p>
<b>12+ persons</b>	<p>Where there are more than 12 persons an additional oven, grill and 4 burner hob and kettle must be provided</p>
<b>Bedsit</b>	<p>Cooking - two burner hob, an oven, grill and kettle.</p> <p>500mm wall cabinet.</p> <p>Refrigerator with a minimum capacity of 40 litres, together with a freezer compartment.</p> <p>Suitably sized sink and drainer, provided with a satisfactory supply of cold and constant hot water, and properly connected to the drainage system.</p> <p>Food Preparation - a worktop or table of suitable material at least 500mm x 1000mm.</p>

## 10.4 BATHING AND TOILET FACILITIES

- 1) The facility must allow for privacy
- 2) All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.
- 3) All bathrooms in an HMO must be suitable and adequately heated and ventilated
- 4) All bathrooms and toilets in an HMO must be of an adequate size and layout
- 5) All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.
- 6) Where the amenity is provided in a house likely to be occupied by children the facilities must include a bath.
- 7) Rooms should be provided with adequate ventilation and electric lighting.
- 8) A suitable locking mechanism must be fitted to the access door to ensure privacy.
- 9) All baths, toilets and wash hand basins in an HMO must be fit for purpose.

<b>Number of occupiers</b>	<b>Number of bathrooms (bath or shower &amp; wash hand basin)</b>	<b>Number of WCs (WC and wash hand basin)</b>
<b>3- 4</b>	1	1
<b>5</b>	1	1 (must be in a separate compartment to the bathroom)
<b>6-9</b>	2	2 (1 must be in a separate compartment to the bathrooms)
<b>10</b>	2	2 (must be in separate compartment to the bathrooms)

## 10.5 SECURITY

- 1) All ground floor and other accessible windows must be protected by the provision of suitable window locks or other appropriate security measures. Keys must be readily available at all times. See fire precautions section for escape windows.
- 2) The front and rear doors must be of sound construction and well maintained.
- 3) The front door must be fitted with a suitable viewer where the door is not fitted with a transparent glass panel.
- 4) The front door should be provided with a suitable security chain.
- 5) Front and rear access doors must be provided with a secure lock; these must be to the relevant British or equivalent European Standard. Doors fitted with a lock, including final exit doors forming part of the means of escape, must be capable of being opened from the inside without the use of a key to facilitate escape in the case of fire. In addition, the rear door is to be provided with a barrel bolt (200mm min) unless the door is fitted with a shoot bolt locking mechanism (3 or 5-point locking).
- 6) Where locks are fitted to bedroom doors they must be capable of being opened from inside the room without the use of a key to facilitate escape in the case of fire.

## 10.6 FIRE PRECAUTIONS

The fire safety standards in this guide are based on many of the principles contained within the *Housing – Fire Safety* guidance document produced by the then Local Authorities Coordinators of Regulatory Service (LACORS) now known as Local Government Regulation.

These standards contain general principles applicable to properties of traditional construction with a standard layout.

In circumstances where construction standards are poor, properties have an unusual layout, travel distances are excessive, or occupants are considered 'high risk' then additional measures may be required.

Likewise, where standards encountered in some areas are found to be over and above that required, or for example where a secondary means of escape is provided, this may enable standards in other areas to be relaxed.

Bedsits or properties of more than 4 storeys, or those housing 'high risk' occupant's, individual consideration by Newcastle City Council and Tyne and Wear Fire and Rescue Services will be required.

### 10.6.1 General principles.

- 1) Escape routes to be kept free of obstructions and combustible materials at all times.
- 2) Emergency lighting to be provided if escape route is long, complex or lacks sufficient borrowed light. Complying with the recommendations of BS 5266, Part 1 current edition.
- 3) All smoke or heat detectors to be hard-wired, interlinked and comply with the recommendations of BS 5839, Part 1 or 6, current edition.
- 4) Unoccupied basements to be covered by the interlinked fire detection system as detailed above.
- 5) Final exit doors to lead to a place of safety and to be openable from the inside without the use of a key.
- 6) Any locks fitted to bedroom doors to be openable from the inside without the use of a key.
- 7) Polystyrene ceiling and wall tiles shall not be permitted.
- 8) A light duty fire blanket shall be provided in all kitchens.
- 9) Habitable inner rooms will only be acceptable on a floor not more than 4.5m above ground level (first floor level) subject to general requirements laid out in LACORS guidance and Building Regulations Approved Document B.
- 10) Escape windows to comply with the requirements laid down in LACORS guidance and Building Regulations Approved Document B.
- 11) Landlord or agent to provide adequate fire safety instructions for residents at commencement of tenancy and where necessary to any employees.
- 12) Compliance with these standards does not negate the requirement to carry out a suitable and sufficient fire safety risk assessment as required by the Regulatory Reform (Fire Safety) Order 2005. Reference the FSO Sleeping Accommodation Guide and ISBN
- 13) Further guidance can be sought from Purpose Build Block of Flats (ISBN) and Specialized Housing Guide (ISBN) to assist in conducting your Fire Risk Assessment.

## 10.7 REQUIREMENTS FOR 3 OR 4 STOREY PROPERTIES

### 10.7.1 Fire detection

Grade D, LD1 system i.e. smoke alarms on the escape route on all levels, in all risk rooms in which a fire might start (e.g. communal living room, utility room, all bedrooms), in any unoccupied basement and a heat detector in the kitchen.

### 10.7.2 Escape route

A 30-minute protected escape route is required; all doors and walls from risk rooms (including rooms containing gas burning appliances) leading onto or forming part of the means of escape shall provide 30 minutes of fire resistance.

Any cupboards on the means of escape used to store combustible materials, or house gas or electricity meters to offer 30 minutes of fire resistance to means of escape. Fire separation

30 minutes fire separation required between all risk rooms and the floor above. 30 minutes fire separation required between any unoccupied basement and the ground floor, including a 30-minute fire door fitted at the head of the basement stairs.

## 10.8 REQUIREMENTS FOR 1 AND 2 STOREY PROPERTIES.

### 10.8.1 Fire detection

Grade D, LD2 system i.e. smoke alarms on the escape route on all levels, in all communal risk rooms (e.g. living room, utility room), in any unoccupied basement and a heat detector in the kitchen.

### 10.8.2 Escape route

No requirement for full 30-minute protected route. However, 30 minutes of fire separation, including fire doors, required from all communal risk rooms leading on to the means of escape. Otherwise escape route walls to be of sound traditional construction and not pass through any risk rooms.

Any cupboards on the means of escape used to store combustible materials, or housing gas or electricity meters to offer 30 minutes of fire resistance to the means of escape. Alternatively, where such cupboards do not contain gas or electricity meters and do not meet the required fire safety standard, combustible materials should be removed, and the cupboard screwed, or lock shut.

### 10.8.3 Fire separation

30 minutes fire separation required between any unoccupied basement and the ground floor, including a 30-minute fire door fitted at the head of the basement stairs, where basement is used to store combustible materials and/or houses gas or electricity meters. However, relaxed standards to apply where basement is free of combustible materials, well managed and only accessible by the landlord.

<b>FIRE DOORS</b>	<b>3 OR MORE STOREYS</b>	<b>2 STOREYS</b>	<b>SINGLE LEVEL (FLATS)</b>
Kitchen	Yes	No*	No *
Living room(s)	Yes	Yes	Yes
Bedrooms	Yes	No	No
Cupboards opening onto the escape route (housing gas or electricity meters or used to store combustible materials)	Yes	Yes	Yes
Other rooms opening onto the escape route and containing gas burning appliances	Yes	Yes	Yes
Unoccupied basements	Yes	No	No
Front entrance door from street	No	No	No
Front entrance door from common hall/staircase	Yes	Yes	Yes

\*If the kitchen opens directly onto the means of escape for any of the occupiers then a fire door must be provided to the kitchen rather than the lounge

Basements where there are no gas or electricity meters, no storage of combustible materials, well managed and only assessable by the landlord.

<b>ALARMS (HARD WIRED AND INTERLINKED)</b>	<b>3 OR MORE STOREYS</b>	<b>2 STOREYS</b>	<b>SINGLE STOREY (FLATS)</b>
<b>HEAT DETECTOR/SOUNDER</b>			
Kitchen	Yes	Yes	Yes
<b>SMOKE DETECTOR/SOUNDER</b>			
Living room(s)	Yes	Yes	Yes
Bedrooms	Yes	No (Yes for inner rooms)	No (Yes for inner rooms)
Common parts	Yes	Yes	Yes

## 11 MANAGEMENT ARRANGEMENTS

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In deciding whether the proposed management arrangements for the house are satisfactory, the Council must be satisfied that the person proposed to be responsible for the management of the house has sufficient competency to be so involved, and that the proposed management structures and funding arrangements are suitable.

The person(s) responsible for managing licensable HMOs may be required to attend a suitable training course, approved by the local authority, to demonstrate their competency and knowledge of housing and tenancy related matters.

### 11.1 MANAGEMENT STATEMENT

The intended licence holder must provide evidence of the arrangements for the proper management of the property. To satisfy this requirement the applicant must provide a statement detailing arrangements which cover the following matters:

- 1) The periodic inspection of the property, both internally and externally, to identify where repair or maintenance is needed and the measures which will be taken to respond to problems identified.
- 2) Planned maintenance programmes.
- 3) Measures to prevent or reduce anti-social behaviour by persons occupying or visiting the property.
- 4) Fire safety instructions.

## 11.2 TENANCY MANAGEMENT

The intended Licence holder must provide evidence of the arrangements for the proper management of the tenancy. This evidence should form a statement which covers arrangements for:

- 1) Dealing with anti-social behaviour practised by the occupants or persons visiting the HMO.
- 2) The enforcement of the tenancy agreement when appropriate.
- 3) Tenants to report defects, including emergencies and tenancy issues.
- 4) Providing instructions to tenants and any employees which detail actions to be taken in the event of a fire, including the means of escape.
- 5) Informing tenants of their duties and responsibilities not to frustrate the efforts of the landlord in complying with conditions of the licence and to allow access at all reasonable times to enable compliance.

## 12 APPENDIX 2: LICENCE CONDITIONS

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### 12.1 NOTES

- 1) "Authority" refers to the local housing authority, namely Newcastle City Council.
- 2) All records referred to in the conditions must be provided within 28 days to the Authority on demand.
- 3) The licence is not proof that the property is safe and free from hazards and defects or imply compliance with the requirements of the Housing Act 2004.
- 4) The licence does not prevent criminal or civil legal action being taken against the licence holder including actions to deal with category 1 and 2 hazards as may be identified under the Housing Health and Safety Rating System.

**The licence holder and the manager together with any person who has agreed to be bound by the licence conditions must comply with these conditions:**

### 12.2 MANDATORY CONDITIONS

- 1) Every year provide a gas safety certificate if gas is supplied to the house.
- 2) Keep electrical appliances and furniture made available as part of the tenancy for use by the occupants are kept in a safe condition.
- 3) 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, (including a bathroom or a lavatory) and to keep each such alarm in proper working order.
- 4) Ensure the fire detection system is tested annually by a competent engineer in accordance with BS 5839 and maintained in good working order.
- 5) Ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation (including a bathroom or a lavatory) and contains a solid fuel burning combustion appliance and to keep any such alarm in proper working order.
- 6) To be able, on demand, to supply the Authority with a signed declaration as to the condition and positioning of such smoke and carbon monoxide alarms.
- 7) Supply all occupants of the property with a written statement of the terms under which they occupy it.
- 8) Ensure that there are suitable refuse storage facilities provided and they should give written information to the tenants on arrangements for the storage and disposal of waste to

include specific detail about bins, collection days and information about the disposal of bulky items such as furniture.

- 9) Ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres.
- 10) Ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres.
- 11) Ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres.
- 12) Ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.

## 12.3 OTHER CONDITIONS

### 12.3.1 Property Management

- 1) Ensure that inspections of the property are carried out at least every 6 months to identify any problems relating to the condition and management of the property. The records of such inspections should include details of who did the inspection, the date, and any issues raised. and then kept for the duration of the licence. In the event a payment of rent is missed, a visit must be made to the property no later than one month from the date the payment was due, to ensure that the property is secure and has not been abandoned.
- 2) Ensure that any complaint made in writing about disrepair or pest infestation is actioned and any necessary works carried out. As far as is reasonably practical, emergency works required to protect the security of the property should be carried out within 24 hours. Ensure that all repairs to the house or any installations, facilities or equipment within it are to be carried out by competent and reputable persons and that they are completed to a reasonable standard.
- 3) If the Authority has reasonable grounds for believing the electrical installation may need repair or upgrading it may demand a Periodic Electrical Report carried out by a suitably qualified electrical contractor who must be registered/member of an approved body such as NICEIC, NAPIT, etc. or registered to undertake electrical works in accordance with Part P of the Building Regulations. This report must be no more than 5 years old and deem the electrical installation to be in at least a satisfactory condition.
- 4) Ensure that any fire fighting equipment and fire alarms are maintained in good working order. Inspection reports and test certificates for fire alarm systems, emergency lighting and fire fighting equipment must be provided to the Authority on demand.

5) Ensure, as far as is reasonable practical:

- i. the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.
- ii. all outbuildings, yards, forecourts and gardens surrounding the house are maintained, in repair and kept in a clean, tidy and safe condition and free from infestations.
- iii. No refuse shall be kept in the front or rear garden or yard other than in an approved storage container for that purpose.

6) Ensure that the Authority is informed in writing, within 14 days, the following changes:

- i. Any change in ownership or management of the property
- ii. Any change in the licence holder or management contact details
- iii. Any proposed change to the construction, layout or amenity provision of the house that would affect the licence or the licence conditions.

### 12.3.2 Tenancy Management

1. Ensure tenants are provided with:

- i. A copy of the licence and conditions
- ii. Written information about arrangements in place to deal with repair issues and emergencies should they arise, including name of the licence holder or managing agent with contact details (include an emergency contact telephone number) and the expected timescales for a response.
- iii. Written information on arrangements for the storage and disposal of waste to include specific detail about bins, collection days and information about the disposal of bulky items such as furniture.
- iv. Copies of manuals/instructions for installations and equipment provided including any burglar alarm.
- v. Copies of the gas and electrical safety certificates and the EPC

2. Ensure that the tenants right to quiet enjoyment of the property is respected. If entry is required to the property the tenant should receive at least 24 hours' notice in writing explaining why the entry is required.

3. Demand references from persons who wish to occupy the house before entering into any tenancy, licence or other agreement. The reference must be kept for the duration of the licence.

4. 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 prescribed information about the scheme being used at a time when the deposit is taken.

### 12.3.3 Managing anti-social behaviour (ASB)

1. Take all reasonable and practicable steps for preventing and dealing effectively with anti-social behaviour, including ensuring that any future written statement of the terms and conditions on which the house is occupied contains a clause holding the occupants responsible for any anti-social behaviour by themselves and/or their visitors. The Licence Holder must ensure that all occupants are aware of the existence of this clause.
2. The Licence Holder and/or his manager are required to undertake an incremental process of investigation of any complaints which have been made either directly to them, or via the Local Authority, regarding their occupiers. For the purposes of these conditions, anti-social behaviour is taken to comprise behaviour by the occupants of the house and/or their visitors, which causes or is likely to cause harassment, alarm, distress, nuisance or annoyance to other occupants of the house, to anyone who visits the house, including communal areas, or to persons residing in, visiting or working in the locality of the house.
3. Copies of warning letters sent / notices of seeking possession served on the tenants of the property for breaching tenancy agreements and causing anti-social behaviour should be kept for the duration of the licence.
4. If the licence holder or agent has reason to believe that the ASB involves criminal behaviour he shall ensure the appropriate authorities are informed.
5. Where the licence holder is specifically invited they should attend any case conferences or multi-agency meetings arranged the Council or the Police.
6. The Licence Holder must have written, detailed, tenancy management arrangements in place to prevent or reduce anti-social behaviour by persons occupying or visiting the property.

### 12.3.4 Fit and proper persons – licence holders and managing agents

The Licence Holder and his managing agent must inform the licensing team of the authority within 7 days of any changes in their circumstances as follows:

- 1) Details of any unspent convictions not previously disclosed to the Local Authority that may be relevant to the Licence Holder and/or the property manager and their fit and proper person status and any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;
- 2) Details of any finding by a court or tribunal against the Licence Holder and /or the manager that he/she has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business;

- 3) Details of any contravention on the part of the Licence Holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her;
- 4) Information about any property the Licence Holder or manager owns or manages or has owned or managed which has been the subject of a control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or any appropriate enforcement action described in section 5(2) of the Act;
- 5) Information about any property the Licence Holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the Licence Holder breaching the conditions of his/her licence;
- 6) Information about any property the Licence Holder or manager owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004;