

**All HMOs licenced within Charnwood meet the mandatory requirement. The property must have 3 or more storeys and have 5 or more occupants. Below are the main conditions which all HMOs must meet (this documents is sent with all draft and final licences).**

**The additional conditions are included o n dwellings which have had initial inspections and where extra work has been identified.**

## **Main Conditions**

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### **Gas safety**

1. If gas is supplied to the house, the licence holder shall ensure that the Gas Safety (Installation and Use) Regulations 1998, or any Regulations which subsequently replace these, are complied with.
- 1.2 In particular the licence holder shall ensure that an annual safety check is carried out by a CORGI registered engineer on each gas appliance/flue in the house.
- 1.3 The licence holder shall, on demand, submit to the Authority for its inspection, a gas safety certificate obtained within the last 12 months of the request date, in respect of the house.

### **Safety of Electrical Installations**

2. The licence holder shall ensure that the electrical installation in the house is kept safe and in proper working order at all times.
- 2.1 The licence holder shall ensure that a periodic inspection of the electrical installation in the house is undertaken in accordance with BS 7671, or any British Standard which subsequently replaces this, at intervals of no more than five years or lesser period if indicated on the previous periodic inspection report.

- 2.2 The licence holder shall supply to the Authority, on demand, the latest **periodic inspection report** in the format recommended in Appendix 6 of BS 7671, within 14 days of the Authority's demand.
- 2.3 The licence holder shall ensure that this report is issued by a competent person. A competent person in this respect includes ;
- NICEIC (National Inspection Authority for Electrical Installation Contracting) enrolled contractors
  - Fully approved ECA (Electrical Contractors Association) members
  - ELECSA members who have completed a Periodic Approval Assessment
  - BSI (British Standards Institute) or NAPIT (National Association of Professional Inspectors and Testers) domestic installers

### **Safety of electrical appliances**

3. The licence holder shall ensure that the Electrical Equipment (Safety) Regulations 1994, or any Regulations which subsequently replace these, are complied with.
- 3.1 The licence holder shall ensure that electrical appliances made available in the house by them are kept in a safe condition and proper working order at all times.
- 3.2 The licence holder shall ensure that all electrical appliances made available in the house by them are inspected visually for defects – such as frayed wiring, badly fitting plugs – at the beginning of each occupancy and regularly thereafter - in any event every two years.
- 3.3 The licence holder shall ensure that earthed equipment (class I) such as kettles and irons and the associated leads and plugs, made available by them, are tested at the point of supply and at least every two years thereafter – more often if deemed necessary by a risk assessment undertaken by the licence holder. This test shall be undertaken by a person competent in the use of the testing equipment and who has the appropriate electrical knowledge and training, such as a competent electrician or competent other person in possession of a City and Guilds Certificate 2377.
- 3.4 The licence holder shall ensure that as soon as any electrical appliance is identified as being unsafe, it shall be removed from the house immediately.
- 3.5 The licence holder shall ensure that a record of visual inspections and tests is maintained.
- 3.6 The licence holder shall submit to the Authority, on demand, the record of visual inspections and tests.
- 3.7 The licence holder shall supply to the Authority, on demand, a declaration, as to the safety of electrical appliances.

### **Furniture and Furnishings (Fire Safety)**

- 4 The licence holder shall ensure that the Furniture and Furnishings (Fire Safety) Regulations 1988, or any Regulations which subsequently replace these, in respect of any upholstered

furniture supplied by them, including chairs, sofas, children's furniture, beds, upholstered head boards, mattresses, scatter cushions, seat pads, pillows and upholstered garden furniture are complied with.

- 4.1 The licence holder shall ensure that the furniture made available by them is kept in a safe condition at all times.
- 4.2 The licence holder shall supply to the Authority on demand, a declaration as to the safety of such furniture.

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

5. The licence holder shall ensure that at all times a suitable fire detection system designed in accordance with BS 5839-6:2004 (or any British Standard which subsequently replaces this) is installed in the house and is maintained in proper working order.
  - 5.1 The licence holder shall ensure that the fire alarm system in the house is inspected, tested and serviced in accordance with BS 5839 - part 1:2002, sections 6 and 7, or any British Standard which subsequently replaces this. In particular – where relevant – the following shall be carried out:
    - every six months checks on the system shall be carried out in accordance with clause 45.3 of BS 5839 – part 1:2002
    - every 12 months checks on the system shall be carried out in accordance with clause 45.4 of BS 5839 – part 1:2002
    - where provided independent smoke alarms shall be cleaned periodically in accordance with supplier's instructions.
  - 5.2 Throughout the period of the licence, inspection and servicing certificates in the format recommended by BS 5839 – part 1:2002 (Annex G 6), shall be submitted to the Authority on demand.
  - 5.3 The above-mentioned checks shall be carried out by a competent person. A competent person in this respect includes NICEIC – National Inspection Authority for Electrical Installation Contracting, enrolled contractors or ECA – Electrical Contractors Association, members who are familiar with all British Standards relating to automatic fire detection systems, regularly inspect fire detection systems, are qualified to inspect fire detection systems and whose work is subject to regular assessment.
  - 5.4 The licence holder shall supply to the Authority on demand, a declaration as to the condition and position of any smoke alarms / detectors in the property.

### **Personal Washing Facilities**

6. Each letting room shall be provided with a wash hand basin provided with constant hot and cold water supplies and satisfactory drainage arrangements to the foul drainage system. Where this is not currently met, the licence holder is required to comply with this condition within 4 years of the date of the licence.

Where a kitchen sink is provided in the letting room for food preparation purposes, the sink shall be deemed to satisfy the requirement for provision of a wash hand basin.

- 6.1 Each water closet (WC) shall be provided with a wash hand basin provided with constant hot and cold water supplied and satisfactory drainage arrangements to the foul drainage system .  
Where this is not currently met, the licence holder is required to comply with this condition within 12 months of the granting of the licence.

## **Management of the Property**

7. The licence holder shall comply with the Management of Houses in Multiple Occupation (England) Regulations 2006 – or any Regulations which subsequently replace these – and any Approved Code of Practice issued under section 233 of the Housing Act 2004.
- 7.1 The licence holder shall ensure that the exterior of the house is maintained in good and clean decorative repair.
- 7.2 The licence holder shall ensure that gardens, yards, paths and drives are maintained such that their condition does not adversely affect the amenity of the neighbourhood. To that extent the licence holder shall ensure that gardens, yards paths and drives and other areas within the curtilage of the house are kept in a reasonably clean and tidy condition and free from rodent infestations at all times.
- 7.3 The licence holder shall ensure that suitable and adequate provision for refuse storage and collection is made at the house. This shall include a closable bin/s of suitable capacity as specified by the Authority. Arrangements shall be immediately made for the proper collection and disposal of any rubbish additional to that within the dustbins and such rubbish shall where practicable be stored at the rear of and within the curtilage of the dwelling. The licence holder shall ensure that all refuse containers are returned within the curtilage of the property on the same day that they are emptied by the Authority.

## **Landlord and Tenant Issues**

8. 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.
- 8.1 The licence holder shall ensure that all relevant Landlord and Tenant legislation is complied with.
- 8.2 The licence holder shall ensure that all reasonable and practical steps are taken to prevent or reduce anti-social behaviour by the occupants and all persons visiting the house.
- 8.3 The licence holder shall ensure that each occupier is made aware of any conditions imposed by the Authority relating to the behaviour of occupants, and that compliance with any such conditions is made a condition of each occupancy established after the licence is issued. Such conditions include those listed below :-

Occupants shall:

- not cause nuisance and annoyance to other occupants or to neighbouring residents
- comply with arrangements made by the manager of the house for the storage and disposal of refuse
- not use abusive or threatening behaviour
- not cause damage to fixtures, fittings, fire precautions or premises
- allow access to the agents/landlord to maintain communal areas, and with reasonable notice, to carry out works within the occupants own accommodation.

8.4 Where any of the conditions required as part of the licence, request that reports, certificates, declarations or other documents be produced or supplied to the Authority, this shall mean sending by post or delivering by hand, the **original** relevant report/certificate/declaration, to the Authority's Offices.

### **Written Agreements**

9. The licence holder shall, within 28 days of the commencement of each tenancy, supply to the occupiers of the house a written statement of all the terms on which they occupy it.

9.1 The licence holder shall supply to the Authority, on demand, a copy of the written statement.

### **Licence Holder**

10. The licence holder must inform the Authority if they no longer reside at the address given, and provide the authority with new address details within 21 days of a change.

10.1 The licence holder must inform the Authority where there is a change in any managing agent within 21 days of such a change.

10.2 If the licence holder is a managing agent, they must inform the Authority if the person who is specified as the main contact ceases to be employed by them, and inform the authority of a new contact within 21 days of such a change.

10.3 If the licence holder is a managing agent, they must notify the Authority if they cease to have an interest in the property within 21 days of such a change.

### **Fit and Proper Person**

11. The licence holder must inform the Authority in writing if, since becoming the licence holder, he/she commits any of the actions described within paragraphs 11.2 a) to d). Notification to the Authority shall be within 21 days of such a contravention.

11.1 The licence holder must inform the Authority in writing, if the person managing the property contravenes any of the sections 11.3 a) to d) below, within 21 days of such a contravention.

11.2 The following is the criteria by which the Authority assessed whether the licence holder or manager is a fit and proper person ...

- a) Committed an offence involving:
  - fraud
  - dishonesty
  - violence
  - drugs
  - Sexual Offences Act 2003 Schedule 3.
- b) Practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in connection with a business.
- c) Contravened any provision of housing or landlord and tenant law . In particular:
  - subject to proceedings by a local authority
  - where the local authority has had to carry out works in default
  - subject to a management order under the Housing Act 2004
  - or been refused a licence or breached conditions of a licence.
- d) Acted in contravention of any Approved Code of Practice.

### **Emergency Escape Lighting**

12. The licence holder shall ensure that any escape lighting required within the house is inspected, tested and serviced in accordance with clause 12 of BS 5266 – 1: 1999, or any British Standard which subsequently replaces this. In particular the following shall be carried out:

- every six months checks on the system shall be carried out in accordance with clause 12.4.4 of the above mentioned BS 5266
- every three years checks on the system shall be carried out in accordance with clause 12.4.5 of the above mentioned BS 5266
- for self-contained luminaires with sealed batteries, after the first three yearly test, the three yearly test shall be carried out annually in accordance with clause 12.4.6 of the above mentioned BS 5266.

12.1 Throughout the period of the licence, periodic and test certificates in the format recommended by BS 5266 – part 1:1999 (Annex C) shall be submitted to the Authority upon demand.

12.2 The above mentioned checks shall be carried out by a competent person. A competent person in this respect 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.

## **Additional Conditions**

(Optional Conditions for Selective Use)

**A) Restrictions or prohibitions on the use or occupation of particular parts of the house by persons occupying it**

*(only to be used if we wish to restrict part of a building)*

The licence holder shall ensure that the attached schedule of [restrictions] [and/or] [prohibitions] on the use or occupation of the house [and/or] [particular parts of the house] by persons occupying it is complied with.

**B) Facilities and equipment as required under S65 of the Housing Act 2004**

*(only to be used where additional facilities etc are required)*

The licence holder must provide the [facilities] and or [equipment] specified in the attached schedule of works, in order for the HMO to meet the standards as prescribed in S65 of the Housing Act 2004.

**C) Conditions requiring such facilities / equipment to be provided within such time limits as specified in the licence**

*(only to be used where additional facilities etc have been requested)*

The works needed in order for the required [facilities] and or [equipment] to be provided, are specified in the attached schedule of works. The works must be completed before [date].

**D) Conditions requiring such facilities to be kept in good repair and proper working order**

*(only to be used where we have concerns about HMO management)*

All facilities and equipment as required by S65 of the Housing Act 2004, should be kept in good repair and proper working order at all times.

**E) Conditions requiring the licence holder/manager to attend training courses**

*(only to be used if appropriate codes are issued)*

The licence holder [and] [or] manager is required to attend any training courses in relation to any applicable code of practice approved under S233 of the Housing Act 2004, as deemed necessary by Charnwood Borough Authority.

