

### **HMO LICENCE CONDITIONS**

Clauses in *italics* are those specifically required in Schedule 4 of the Housing Act 2004.

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

Those parts of the house used for occupation by separate households and the maximum number of persons suitable for occupation of those parts are as follows: -

Room numbers and number of persons permitted to occupy will be completed on a property by property basis.

The licence holder will not permit a room/unit to be occupied by a person as sleeping accommodation otherwise than in accordance with these limits; or permit a person to occupy any part of the HMO as sleeping accommodation otherwise than in accordance with provisions as specified within the Housing Act 2004 (in particular those provisions relating to sharing of rooms by persons who are not living as a co-habiting couple)

*The floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years must be not less than 6.51m<sup>2</sup>, and by two persons aged over 10 years must be not less than 10.22m<sup>2</sup>.*

*The floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years must be not less than 4.64m<sup>2</sup>.*

*Any room in the HMO with a floor area of less than 4.64m<sup>2</sup> must not be used as sleeping accommodation. In addition the licence holder is required to notify the Council of any room within that HMO that has a floor area of less than 4.64m<sup>2</sup>.*

*Where any room in the HMO is used as sleeping accommodation, it must not be used by more persons, or by more persons of specific ages, than is specified in the licence.*

*Where the above conditions are breached in respect of a first licence granted on or after 1<sup>st</sup> October 2018, and the licence holder has not knowingly permitted the breach, the local authority shall notify the licence holder of this breach, and shall require him to rectify the breach within a specific period of not more than 18 months.*

### **Gas Safety**

If gas is supplied to the house the licence holder shall ensure that the Gas Safety (Installation and Use) Regulations 1998 are complied with in all respects.

In particular, an annual safety check shall be carried out, by a GasSafe registered engineer, on each gas installation and appliances/flues and any remedial works undertaken.

***A gas safety certificate that is not more than 12 months old shall be produced to the Council for their inspection*** within 14 days of a request being made. A copy of the certificate will be retained for Council records.

The licence holder must not unreasonably cause the gas supply that is used by any occupier within the property to be interrupted.

### **Electrical Safety**

The licence holder shall ensure that the electrical installation is maintained in a safe condition and proper working order.

In particular, a periodic inspection and report on the condition of the electrical installation shall be carried out and issued by a competent person in accordance with BS 7671: 'Requirements for Electrical Installations' at intervals of no more than 5 years (or less as specified at the time of the previous inspection) and any remedial works undertaken. A competent person in this respect includes NICEIC enrolled contractors, ECA or NAPIT members who regularly inspect and are qualified to inspect domestic electrical installation systems and whose work is subject to regular assessment. Other contractors will be asked to demonstrate their competence to the Council before acceptance of the certificates.

A periodic inspection report in the format recommended in BS 7671 shall be produced to the Council within 14 days of a request being made. A copy of the report will be retained for Council records.

The licence holder must not unreasonably cause the electricity supply that is used by any occupier within the property to be interrupted.

### **Electrical Appliance Safety**

***All electrical appliances made available by the licence holder shall be kept in a safe condition*** and in compliance with the Electrical Equipment (Safety) Regulations 1994.

All electrical appliances made available in the house by the licence holder shall be inspected visually for defects, such as frayed wiring, badly fitting plugs, and so on, at the beginning of each occupancy and, in any event, every two years.

Earthed equipment (class 1) such as kettles and irons, and the associated leads and plugs, made available by the licence holder shall be 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. A person competent in the use of the testing equipment and who has the appropriate electrical knowledge and training shall undertake this test. This may include a competent electrician or other person in possession of a City and Guilds 2377 (In-service Inspection and Testing of Electrical Equipment) Certificate.

Unsafe items shall be removed.

A record of visual inspections and tests of electrical appliances shall be maintained by the licence holder and ***a declaration shall be supplied to the Council as to the safety of such appliances*** within 14 days of a request being made.

### **Furniture Safety**

***The furniture made available by the licence holder shall be kept in a safe condition.***

***A declaration shall be supplied to the Council as to the safety of such furniture*** within 14 days of a request being made.

### **Fire Safety**

The licence holder shall ensure that all means of escape from fire are kept free from obstruction and maintained in a good order and repair.

The licence holder shall ensure that all notices indicating locations of means of escape from fire are displayed in a prominent position in the common parts so that they are clearly visible to all occupiers.

The licence holder shall ensure that any fire fighting equipment is maintained in good working order.

***The licence holder shall ensure that at all times smoke alarms, are installed on each storey of the house on which there is a room used wholly or partly as living accommodation, and a fire detection / alarm system designed to meet the requirements of BS 5839 is installed within the house and maintained in proper working order.***

The fire detection / alarm system shall be inspected, tested and serviced in accordance with BS 5839 and appropriate certificates issued by a competent person.

A competent person in this respect includes NICEIC enrolled contractors, ECA, NAPIT or BFPSA members who are familiar with the requirements of all British Standards relating to automatic fire detection systems, who regularly inspect and are qualified to inspect fire alarm systems and whose work is subject to regular assessment. Other contractors will be asked to demonstrate their competence to the Council before acceptance of the certificates.

Where provided, independent smoke alarms shall be cleaned periodically in accordance with supplier's instructions.

Throughout the period of the licence, inspection and servicing certificates, in the format recommended by BS 5839 shall be kept by the licence holder and supplied to the Council within 14 days of a request being made. A copy of the certificates will be retained for Council records.

***A declaration shall be supplied to the Council as to the condition and position of any smoke alarms in the property within 14 days of a request being made.***

Fire doors providing a minimum of 30 minutes protection shall be installed as required by your risk assessment, and/or by Fire Safety Guidance adopted by the Council, as a minimum these doors will be required to protect the primary escape route.

A declaration shall be supplied to the Council as to the condition and effectiveness of the self-closing fire doors, the maintenance and servicing of any fire extinguishers and the general maintenance of the means of escape from fire in the property within 14 days of a request being made.

### **Emergency Escape Lighting**

The emergency escape lighting system shall be inspected, tested and serviced in accordance with BS 5266 and appropriate certificates issued by a competent person.

A competent person in this respect includes NICEIC enrolled contractors, ECA, NAPIT or BFPSA members who are familiar with the requirements of all British Standards relating to

emergency escape lighting systems, who regularly inspect and are qualified to inspect emergency escape lighting systems and whose work is subject to regular assessment. Other contractors will be asked to demonstrate their competence to the Council before acceptance of the certificates.

Throughout the period of the licence, periodic inspection and test certificates, in the format recommended by BS 5266 shall be kept by the licence holder and supplied to the Council within 14 days of a request being made. A copy of the certificates will be retained for Council records.

### **Carbon Monoxide Alarm**

*The licence holder shall:-*

- *ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker.*
- *keep any such alarm in proper working order, and*
- *supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.*

### **Security**

The licence holder must ensure that all vulnerable doors and windows are properly secured. The licence holder must ensure that security measures do not impede any means of escape from fire. The final exit(s) from individual units of accommodation and from the building must be provided with secure locks that may be unlocked from the inside without the use of a key.

### **Tenancy Agreements**

The licence holder shall supply to the occupiers of the house a written statement of the terms on which they occupy it.

The licence holder shall supply occupiers with a written statement of the terms of the tenancy/tenancies which incorporates details of how deposits will be held and terms of return; an inventory of contents and condition at the commencement of the tenancy; details of rent and dates due, rent payment methods, and how and when rent may be increased; and provide for a means of contact for repairs reporting, etc.

### **Management & Maintenance Arrangements**

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

The licence holder will ensure that each unit of living accommodation and any furniture supplied with it are in a clean condition at the beginning of a tenancy.

The licence holder shall ensure that at all times, gardens, yards and other areas within the curtilage of the house are kept in a reasonably clean and tidy condition and free from rodent infestation.

The licence holder shall notify all occupants at the beginning of their occupancy of the arrangements in place to deal with emergency and other repairs.

The licence holder shall at all times comply with relevant landlord and tenant legislation.

The licence holder shall maintain the exterior of the property in reasonable decorative order and in reasonable repair.

The licence holder shall make suitable and adequate provision for refuse storage and collection at the house.

### **Notifications to East Lindsey District Council**

The licence holder must notify the Council of changes in circumstances relating to the licensed premises that may affect the validity and / or terms of the licence. These include changes to the ownership or management of the premises, events that may affect the fit and proper person status of the licence holder or manager and any structural or other material alterations to the premises such as to potentially affect the maximum number of households or persons appropriate to occupy the premises.

**The Council is required to maintain a public licence register that includes the current address of the licence holder, therefore should the licence holders contact address change during the period of the licence, the Council must be notified immediately.**

A failure to notify the Council of relevant changes to the premises or to apply for a variation to the licence would constitute an offence.

If it becomes necessary to vary the licence for the premises the licence holder should contact the Council's Housing Standards Team to discuss the terms of this variation. Please note that a fee is payable to vary a licence.

### **Suitability of the Property for Occupation by \*\* persons in \*\* households**

The licence holder shall ensure that the house meets the standards for Houses in Multiple Occupation, as set out in this Schedule of HMO Licence Conditions and Appendix A to this licence, throughout the period of the licence and that all such facilities and equipment are kept in repair and proper working order.

### **Managing Behavior of Occupants**

The licence holder shall ensure that each occupier of the licensed premises is made aware of the following conditions relating to the behavior of occupants, or their visitors, as appropriate.

The licence holder shall also ensure that compliance with any such conditions is made a condition of occupancy in regard to any new tenancies made after the commencement of the licence.

The conditions are that –

“The occupants shall –

- not cause nuisance and annoyance to other occupants or to neighboring residents
- comply with arrangements made by the manager for the storage and disposal of refuse
- not cause damage to fixtures, fittings, fire precautions or structural elements of the premises
- not use abusive or threatening behaviour

- allow access to the agent/landlord to maintain communal areas and, with reasonable notice, to carry out works within the occupants' own accommodation."

Where the licence holder becomes aware of anti-social behavior by occupants of, or visitors to, the licensed premises the licence holder shall take all reasonable and practical steps to resolve the issue.

### **Household Waste**

*The licence holder must comply with the scheme provided by the Council to the licence holder and which relates to the storage and disposal of household waste at the HMO pending collection.*

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**Appendix A: STANDARDS FOR LICENSED HMOs**

**Space Heating**

Each unit of living accommodation must be equipped with an adequate means of space heating. **Such heating must be available 24 hours each day, and for 365 days a year.**

All rooms shall be provided with a fixed radiator, as part of a space heating system, or sufficient fixed appliances capable of heating the accommodation to a temperature of 20 degC when the outside temperature is -1 degC. This provision should be efficient, safely designed and be so sited and guarded as to minimise the risks to health and safety.

Where a central heating system is provided to comply with the heating requirements each tenant must be provided with sufficient means to allow regulation of the temperature within their accommodation.

A competent person shall maintain all such heating systems or appliances regularly.

**Kitchens**

**Exclusive kitchen facilities**

Units of living accommodation containing kitchen facilities for the exclusive use of the individual household, must be provided with a kitchen of such layout and size and equipped with such facilities so as to adequately enable occupants to store, prepare and cook food. **Every kitchen shall be equipped with appropriate mechanical extractor fans and fire blankets.**

Kitchen facilities should comprise the following: -

(a) Cooking appliances: -

(i) Where the accommodation comprises of bedsit type accommodation, a cooker with a minimum of two burners / hobs (four burners / hobs if provided for more than one person), an oven and a grill. Alternatively, a microwave oven may be substituted for one or two of the burners / hobs, as appropriate.

(ii) Where the accommodation comprises of self-contained type accommodation with multiple rooms, suitable space shall be provided such that the tenant can provide their own cooking appliance, this should include a suitable connection point to the gas or electric supply as appropriate.

(b) Kitchen sink: -

A stainless steel (or similar) sink and drainer in good condition and of minimum overall dimensions 500 x 1000 mm set on a stable base with a constant supply of hot and cold (drinking) water. A two course tiled splashback shall be provided to each kitchen sink. The sink shall be connected to the drainage system via a suitable trap.

(c) Food Preparation surface(s): -

A worktop of smooth and impervious material of minimum size 600 x 1000 mm.

(d) Electrical sockets: -

Two twin outlet power sockets in addition to any serving major appliances set at a convenient height and safe position above the worktop.

(e) Food Storage Facilities

The Licence Holder shall ensure that all tenants are provided with adequate means of storing food items. For bedsit type accommodation this would ideally include the provision of a refrigerator.

### **Shared kitchen facilities**

Where all or some units of living accommodation within an HMO do not contain exclusive kitchen facilities -

(a) there must be a kitchen, accessible from a common area and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;

(b) the kitchen must be equipped with the following facilities, which must be fit for the purpose and supplied to a ratio of one set of facilities for a maximum of 5 persons sharing them;

(c) there shall be no more than two sets of facilities in any one kitchen.

Each set of facilities should comprise the following: -

(a) Cooking appliance(s): -

A cooker with a minimum of four burners / hobs, an oven and a grill.

(b) Kitchen sink: -

A stainless steel (or similar) sink and drainer in good condition and of minimum overall dimensions 500 x 1000 mm set on a stable base with a constant supply of hot and cold (drinking) water. A suitable splash back shall be provided to each kitchen sink. The sink shall be connected to the drainage system via a suitable trap.

(c) Food Preparation surface(s): -

A worktop of smooth and impervious material of minimum size 600 x 2000 mm.

(d) Electrical sockets: -

Two twin outlet power sockets in addition to any serving major appliances set at a convenient height and safe position above the worktop.

(e) Food Storage Facilities

The Licence Holder shall ensure that all tenants are provided with adequate means of storing food items (hot and cold), either within their rooms, or within the shared kitchen.

All shared kitchens shall be provided with covered refuse storage container(s).

Each shared kitchen shall be equipped with appropriate extract fans, fire blankets and fire doors.



## **Toilet and Washing Facilities**

### **Exclusive use facilities**

Units of living accommodation having facilities for the exclusive use of the individual household, and there are no other facilities available for that household, must be provided with facilities comprising -

An enclosed and adequately laid out and ventilated room with a toilet, bath or fixed shower and wash basin supplying adequate cold and constant hot water provided for the exclusive use of the occupiers of that unit either -

- (a) within the living accommodation; or
- (b) within reasonable proximity to the living accommodation.

Each bathing / toilet facility shall not be entered from another room, except in respect of an "en-suite" arrangement. An "en-suite" bathing / toilet facility shall be acceptable as the sole provision for any accommodation only where that accommodation is of the "studio" or one bedroom type.

### **Shared facilities**

Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household, shared facilities must be provided comprising -

- (a) where there are 5 or fewer persons sharing those facilities -
  - a bathroom with a fixed bath or shower;
  - a toilet; and
  - a wash basin suitable for personal washing.
- (b) where there are 6 or more persons sharing those facilities -
  - a minimum of one bathroom with a fixed bath or shower, one toilet and one wash basin suitable for personal washing for every 5 persons or lesser number. Ideally at least one third of the toilets shall be provided within a compartment separate from the bathroom.

### **General**

All bathrooms in a HMO must be of an adequate size and layout and be fit for purpose. They must be adequately heated and ventilated, this includes the installation of a mechanical extractor fan, and appropriate heating appliance, suitable for use within this type of room. In addition they must be provided with adequate splashbacks for each wash basin and bath. Any shower shall be provided with adequate tiled walls or similar wall finish, and suitable shower screen/curtain.

Each separate toilet compartment in a HMO must be of an adequate size and layout and be fit for purpose. They must be provided with a wash basin suitable for hand washing within the compartment, and they must be adequately heated and ventilated, this includes the installation of a mechanical extractor fan and appropriate heating appliance, suitable for use within this type of room.

## **Means of Escape and Other Fire Precautions**

The property shall be provided with an adequate means of escape from fire, together with other fire precautions including, so far as necessary, a fire detection and warning system and an emergency escape lighting system, to the satisfaction of the local authority.