

# **Sandwell Metropolitan Borough Council**

## **Licensing Conditions for Houses in Multiple Occupation (HMO)**

## Houses in Multiple Occupation Licensing Scheme Conditions

A licence may include such conditions as a local housing authority consider appropriate for regulating the management, use or occupation of the house in multiple occupation concerned as outlined under Section 67 and Schedule 4 of the Housing Act 2004.

The licence holder must ensure that the premises fully comply with each of the conditions in sections 1 to 39 below.

The Housing Act 2004 identifies Prescribed Mandatory conditions which must be included. These are identified by **(PMC)** following the condition.

Failure to comply with any condition may result in legal proceedings and revocation of the licence.

In these conditions, “HMO” is meant to refer to the building or part of a building, which is licensed under Part 2 of the Housing Act 2004 as defined by section 77 of the Housing Act 2004.

“Authority” is meant to refer to the local housing authority, namely Sandwell Metropolitan Borough Council.

“Licence holder” includes any agent or representative acting on behalf of the licence holder.

### Management of Licenced HMO

1. The licence holder must provide each occupier of the HMO with a written statement of the conditions of the terms on which they occupy the house. The licence holder shall provide a copy of the said terms to the authority on demand. **(PMC)**

2. The licence holder must provide the occupiers of the HMO and the occupiers of any adjoining properties, with details of the following:

- Name of the licence holder or managing agent;
- A contact address and daytime telephone number;
- An emergency contact telephone number.

This information must be supplied within 28 days and clearly displayed in a prominent position within the HMO. An emergency contact telephone number for the licence holder shall also be available and notified to the authority.

3. The Licence holder must inform the authority of any changes in circumstances relating to ownership, usage, layout or increase in the number of occupants which will result in exceeding the number of permitted occupants for the licensed HMO.

4. The licence holder will provide, to any authorised officer of the authority, access into the licensed HMO as when required to do so, upon receipt of the required notice period.

5. The licence holder must obtain references from all persons who wish to occupy the HMO. The licence holder shall provide a copy of the said references to the authority on demand.

6. The licence holder shall ensure that occupants of the HMO receive written confirmation detailing arrangements in place to deal with complaints, repair issues and emergencies should they arise.

7. The licence holder will provide each occupant of the HMO with copies of user manuals for any installations or equipment provided as part of the agreement for the occupation of the HMO.

8. The licence holder will arrange to undertake a detailed inventory including photographs to be agreed with the occupiers upon commencement of their occupation of the HMO and kept on file by the licence holder at their business address.

9. The licence holder will not discriminate against prospective occupiers of the HMO on the grounds of race, disability, gender, religion or sexual orientation.

10. The Licence holder must carry out "Right to rent" checks in accordance with Home Office requirements prior to agreeing to a tenancy (Further information can be obtained from [www.gov.uk](http://www.gov.uk))

11. The licence holder must act lawfully and reasonably in requiring any advanced payments from occupiers, in handling rents, in returning deposits and in making deductions from deposits. The licence holder will provide any occupiers/prospective occupier with the following information:

- The amount of rent payable;
- The details of any deposit required. If a deposit is taken, to register said deposit, taken on, or after, 6th April 2007 with either scheme outlined by the Government under 2004 Housing Act, informing the tenant of which scheme is being used within the prescribed time stated by the scheme.
- Details of what the deposit covers and arrangements for return;
- The frequency of payments;
- The details of any utilities or other charges included in the rent;
- The responsibility for payment of Council Tax;
- The responsibility for payment of utilities and arranging provision of such;
- To supply the tenant with a receipt on payment of rent.;

- Notice periods for ending the tenancy;
- A copy of the current version of the publication “How to rent” guide (downloadable from [www.gov.uk](http://www.gov.uk));
- Details of arrangements for the storage and disposal of household waste including details of presenting of refuse for disposal: (see [www.sandwell.gov.uk](http://www.sandwell.gov.uk) for collection days);
- Tenants responsibilities in regard of their use and occupation of the licensed HMO;

The licence holder must ensure that any tenancy agreement granted after the issue of this licence includes the following clause within the tenant’s obligations.

***Nuisance and Anti-Social Behaviour: Not to cause or allow household members or visitors to engage in anti-social behaviour which means any conduct causing or capable of causing a nuisance or annoyance to the landlord, other occupiers, neighbours within the locality. (Examples of anti-social behaviour include failure to control dogs or children, untidy gardens, not properly disposing of rubbish, inconsiderate use of the property and noise).***

12. The licence holder must take reasonable and practicable steps following advice or recommendations from the authority to prevent or reduce anti-social behaviour by persons visiting or occupying the HMO.

### **Conditions relating to the HMO**

13. If gas is supplied to the HMO, the licence holder must produce to the authority at the time of application and thereafter annually for their inspection, a gas safety certificate carried out on the gas supply and all gas appliances, by a Gas Safe Registered gas installer. To ensure that all recommendations outlined on the Landlord Gas Safety Record are complied with. **(PMC)**

14. The licence holder must ensure the HMO is provided with sufficient and adequate standard amenities for use by the maximum number of occupiers (as specified in the licence) according to the type of accommodation offered in accordance with the authorities Standards and Amenities Guide for Houses in Multiple Occupation (HMO) and as required by “The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 and the “The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

All standard amenities and equipment provided for use by the occupiers of the HMO are maintained in good repair and proper working order.

15. The licence holder shall ensure that at all times a suitable fire detection and alarms system, is installed in the HMO that it is maintained in proper

working order, tested, inspected and serviced in accordance with the current British Standards or any which subsequently replace these.

16. The licence holder must supply to the authority at the time of application and thereafter on demand at the time of application the latest fire detection and alarms certificate, and if installed, the emergency lighting test certificates.

The certificates must be completed and issued by a competent person and must demonstrate that the complete installation has been fully checked and serviced within the previous 12 months in accordance with the relevant British Standards. Any defects noted on the certificate must be rectified as soon as reasonably practicable.

17. The licence holder must, where the Homestamp “**A Guide to Fire and Security Protection in Multi-Occupied Residential Properties**” and LACORS “**Housing – Fire Safety Guidance on fire safety provisions for certain types of existing housing**” has been used to determine fire precautions, review the precautions annually or wherever there are alterations to the HMO or its contents or at changes of tenancy; to ensure the fire precautions are appropriate to the risk.

18. The licence holder must ensure that smoke alarms conforming to BS EN 14604 are installed in the HMO and are kept in proper working order.

The licence holder must 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, and to keep each such alarm in proper working order. **(PMC)**

The licence holder must supply the authority on demand, a declaration as to the condition and positioning of the smoke alarms (includes existing smoke alarms). One smoke alarm covering the hallway or landing at each level of the accommodation is required as a minimum. **(PMC)**

19. The licence holder is to ensure that a carbon monoxide alarm is installed in any room/area in the HMO which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker. **(PMC)**

The licence holder must keep any such alarm in proper working order; and supply the authority, on demand, with a declaration by him/her as to the condition and positioning of any such alarms. **(PMC)**

20. The licence holder must provide the authority on demand a copy of the Fire Risk Assessment for the HMO and its review.

21. The license holder must provide written details of fire evacuation procedures to tenants / occupiers. Ensure that all tenants/occupiers are aware of fire and fault indications of the fire alarm system and are adequately familiar with controls (e.g. resetting). They must also be made aware of measures to avoid false alarms. These details must be supplied to the Authority on demand.

22. The licence holder must supply to the tenant and authority at the time of application and thereafter on demand, where applicable, a current Energy Performance Certificate (EPC).

The HMO must comply with the minimum level of energy efficiency for privately rented property required under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

Landlords of privately rented property in England or Wales must ensure that their properties reach at least an Energy Performance Certificate (EPC) rating of E before granting a new tenancy to new or existing tenants. From 1 April 2020, these requirements will then apply to all private rented properties, all subject to any exemptions from these regulations.

23. The licence holder must ensure that every electrical installation in the HMO is in proper working order and safe for continued use and supply the authority, on demand, with a declaration by him as to the safety of such installations. "Electrical installation" has the meaning given in regulation 2(1) of the Building Regulations 2010 **(PMC)**

A current (less than 5 years old) Domestic Electrical Installation Periodic Report of the whole of the electrical installation must be sent to the authority at the time of application and thereafter on demand.

The inspection must be 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. Any recommendations for urgent attention and improvement (Codes 1 and 2) must be rectified within 28 days of the report.

On the expiry of a report, a new report must be obtained and supplied to the authority within 28 days of the previous report's expiry date.

24 The licence holder must keep electrical appliances and furniture made available by him in the HMO in a safe condition: and must supply the authority, on demand, with a declaration by him/her as to the safety of such appliances and furniture. **(PMC)**

25. If the HMO is provided on a furnished basis and includes electrical appliances, the Licence Holder must produce to the authority at the time of application and thereafter on demand a portable appliance test (PAT) certificate.

26. The licence holder must ensure all furniture provided within the house complies with the Furnishings (Fire)(Safety) Regulations 1988 as amended. To provide to the authority at the time of application and thereafter on demand, a declaration as to the safety of such furniture. All furniture which does not comply with these regulations provided by the licence holder must be removed from the premises.

**27. The licence holder must ensure:** - In accordance with the authorities - Standards and Amenities Guide for Houses in Multiple Occupation (HMO)

- The provision of adequate kitchen facilities for the number of occupants stated on the license to allow the safe storage and preparation of food within the HMO such as lighting, ventilation, sink/drainage, worktops (including splashbacks), cupboards, draws and readily cleansable surfaces;
- The provision of adequate bathroom facilities and equipment for the number of occupants stated on the licence within the HMO such as lighting, ventilation, toilets, baths, showers, wash hand basins and any cupboards, shelving or fittings.

28. The license holder must ensure all repairs to the HMO and any installations, facilities or equipment are carried out within a reasonable time, to a reasonable standard by competent and reputable persons.

29. Where any works or alterations are to be carried out to the HMO, the licence holder must ensure the appropriate consents from Planning / Building Control at Sandwell Metropolitan Borough Council are obtained prior to works commencing.

#### **Environmental management/amenity of the neighbourhood**

30. The licence holder shall ensure that the exterior of the HMO is maintained in a reasonable decorative order and in reasonable repair.

31. The licence holder must ensure that prior to the commencement of any tenancy and between tenancies all outbuildings, yards, forecourts and gardens surrounding the HMO are maintained, in repair and kept in a clean, tidy and safe condition and free from infestations.

32. The licence holder shall comply with the authority's scheme which relates to the storage and disposal of household waste at the HMO pending collection **(PMC)**

33. The licence holder shall ensure that suitable and adequate provision for refuse storage and collection is made at the HMO and that the authorities arrangements for refuse collection including recycling are adhered to. This shall include the provision of closable bins of suitable capacity as specified by the authority. Arrangements shall be made immediately for the proper collection and disposal of any rubbish additional to that within the bins and such rubbish shall be stored within the curtilage of the property at the rear if feasible.

The licence holder shall ensure so far as is reasonably practicable that the occupiers make arrangements for the collection of waste in accordance with these provisions and when the property is unoccupied, or the occupiers fails to do so the licence holder adhere to these provisions themselves.

The licence holder shall ensure that all refuse containers are returned within the curtilage of the HMO on the same day that they are emptied by the authority.

34. The licence holder shall take reasonable steps to ensure the HMO is free from any pest infestation at the start of the tenancy and where necessary a treatment programme carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the authority on demand

### **General**

35. The licence holder must ensure:

**(a)** that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years in not less than 6.51 squares metres;

**(b)** that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years in not less than 10.22 squares metres;

**(c)** that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years in not less than 4.64 squares metres;

**(d)** that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation. **(PMC)**

36. The licence holder must ensure that any room in the HMO used for sleeping accommodation as specified in section 6 is not used as such by more than the maximum number of persons specified in the licence. **(PMC)**

37. The license holder must notify the authority of any room in the HMO with a floor area of less than 4.64 square metres. **(PMC)**

38. The licence holder must inform the licensing team of the authority within ten working days of any changes in their circumstances as follows:

**(a)** Details of any unspent convictions not previously disclosed to the authority that may be relevant to the licence holder and their fit and proper person status and in particular 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;

**(b)** 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;

**(c)** Details of any contravention on the part of the licence holder 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;

**(d)** Information about any property the licence holder owns or manages or has owned or managed which has been the subject of:



- i.** A control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or
- ii.** Any appropriate enforcement action described in section 5(2) of the Act;

**(e)** Information about any property the licence holder 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;

**(f)** Information about any property the licence holder 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;

**(g)** Advertising of the property for sale;

**(h)** Change in managing agent or the instruction of a managing agent;

**(i)** Change of address of licence holder or landlord

**(j)** The undertaking of any substantial works to the property including conversions and modernisations.

39. All staff are required to undertake appropriate training courses to enable them to carry out their duties and to provide the Council, on demand, a record of such training.

40. The Stage 2 Licence fee must be paid within 14 days of Decision to Issue the Licence and it will be a condition of the licence that this fee is paid.