

HMO Mandatory Licensing Conditions

MANDATORY CONDITIONS IMPOSED BY PART 3, SCHEDULE 4 OF THE HOUSING ACT 2004 (AS AMENDED)

1. If gas is supplied to the house the licence holder must produce to the Council annually for inspection a Gas Safety Certificate obtained in respect of the house within the last 12 months.
2. The licence holder must keep electrical appliances and furniture supplied by him in the house in a safe condition, and, on demand, to supply the Council with a declaration as to the safety of such appliances and furniture.
3. The licence holder must –
 - (i) 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
 - (ii) keep each such alarm in property working order.
 - (iii) supply to the Council, on demand, with a declaration by him as to the condition and positioning of such alarms.

This condition applies to a bathroom and lavatory which are treated as a room used as living accommodation.

4. The licence holder must –
 - (i) 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 solid fuel burning combustion appliance; and
 - (ii) to keep any such alarm in proper working order; and
 - (iii) to supply to the Council, on demand, with a declaration by him as to the condition and positioning of such alarms.

This condition applies to a bathroom and lavatory which are treated as a room used as living accommodation. "Room" also includes a hall or landing.

5. The licence holder must supply the occupier(s) of the house with a written statement of the terms on which they occupy it (tenancy agreement)

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

7. The licence holder is required to ensure that:-
 - I. 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;
 - II. 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;
 - III. the floor area of any room in the area used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;-
 - IV. any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation
 - V. where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged 10 years specified in the licence;
 - VI. where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence;
 - VII. where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified;
 - VIII. to notify the local housing authority of any room in the HMO with a floor area of less than 4.64 square metres.

**ADDITIONAL CONDITIONS IMPOSED UNDER SECTION 67 OF THE HOUSING
ACT 2004 (AS AMENDED)**

1.0 Information to be displayed/Notification of Changes

- 1.1 The Licence Holder must display a copy of the licence to which these conditions apply in the common parts of the property where it can be viewed by all occupiers. The schedule of licence conditions must also be available for viewing by any occupier either by providing copies to each person before the start of their tenancy or by displaying them along with the licence.
- 1.2 The Licence Holder must provide all occupiers of the property at the start of their tenancy with the name(s) of the licence holder and/or manager including a contact address, day time telephone number and an emergency telephone number. The above information must also be clearly displayed in a prominent position inside the property where all occupiers are able to view the said information.
- 1.3 The Licence Holder and their managing agent must inform the Council within 14 days of any changes in their circumstances as follows:-
- i) details of new convictions/cautions not previously disclosed to the council that may be relevant to the Licence Holder and/or his managing agent and their fit and proper person status; and
 - ii) Information about any property the Licence Holder and/or his managing agent owns or manages which a Local Housing Authority has refused to grant a licence or revoked a licence under Part 2 or 3 of the Housing Act 2004; and
 - iii) change in ownership or management of the licence property; and
 - iv) change of address of the Licence Holder or landlord; and
 - v) change in managing agent or the instruction of a managing agent; and
 - vi) advertising the property for sale

- 1.4 The Licence Holder must inform the Housing Standards Licensing team by telephone (01483 743882) within 72 hours of becoming aware of the occurrence of a fire at the property.
- 1.5 The Licence Holder shall display a copy of the current gas safety certificate in the common parts of the property where it can be viewed by all occupiers.

2.0 Management of Property

- 2.1 The Licence Holder must not permit the house or any part of the house to be occupied in any other way or by more than the number of households or persons stipulated within the licence. Where a room is deemed suitable for 2 people, this is based upon the room being occupied by a co-habiting couple only.
- 2.2 The Licence Holder and/or manager must ensure that any installations in common use or which serve any part of the house in common use, are in and are maintained in good repair, a clean condition and in good order (including where appropriate proper working order). Installations include the supply of gas and electricity and sanitary facilities and facilities for the cooking and storage of food.
- 2.3 The Licence Holder and/or manager must ensure that such parts of the house in common use including staircases, passageways, corridors, halls, lobbies and entrances are clean, maintenance in a good state of repair and kept free from obstruction.
- 2.4 The Licence Holder and/or manager must ensure that all outbuildings, yard areas and forecourts belonging to the property and are used in common are maintained in a good state of repair and in a clean condition, and that any garden belonging to the property is kept in a safe and tidy condition

- 2.5 The Licence Holder must write to the Housing Standards Team before making any material change to the layout, amenity provision, fire precautions or mode of occupation.
- 2.6 The Licence Holder and/or manager must ensure that appropriate procedures are put in place to receive and respond to a notification from any occupier or officer of the Council relating to a defect or defects of a general nature and to carry out suitable remedial work within an appropriate period according to the nature and extent of the reported defect.
- 2.7 The Licence Holder or their manager must be resident within the UK.
- 2.8 The Licence Holder and/or manager must take reasonable steps to prevent smoking in the common parts of the property. Such reasonable steps including:-
informing the tenants at the start of each tenancy that smoking is not permitted to take place in the communal areas of the premises by any person. If evidence of smoking in the communal areas is found during inspections of the property, reasonable steps must be taken by the licence holder or nominated manager to prevent any further contraventions
- 2.9 The Licence Holder must provide a sufficient number of receptacles for the occupiers to dispose of waste. They are also responsible for ensuring that any kind of refuse which the Council will not ordinarily collect (e.g. large items of furniture, hazardous waste etc.), are disposed of responsibly and appropriately in accordance with current legal requirements.
- 2.10 The licence holder must give new tenants in writing within 7 days of the start of their occupation information on waste and recycling. The information must include:-
i) the collection days for the refuse and recycling bins for the property.

- ii) contact details for refuse/bulky item collections undertaken by Woking Borough Council or other waste collection services.
- iii) details on what they can and cannot recycle.

2.11 The licence holder must retain a copy of the information provided to each tenant for a period of 5 years, signed by the tenant acknowledging receipt and produce to Woking Borough Council within 28 days on demand.

2.12 The Licence Holder and/or manager must, if required by the Council, attend a training course (or otherwise demonstrate, as directed by the Council), competence in relation to any applicable code of practice under Section 233 of the Housing Act 2004.

3.0 Anti-Social Behaviour

3.1 The Licence Holder and/or manager must take reasonable steps to prevent and deal with anti-social behaviour by persons occupying or visiting the property and shall if appropriate take legal advice and act either to issue formal warnings or evict those responsible for the anti-social behaviour.

3.2 The Licence Holder and/or manager must take reasonable and effective steps to deal with any complaints regarding anti-social behaviour by the occupants and/or their visitors of the house made directly to them or via the Council.

3.3 The Licence Holder shall keep a record of all complaints made directly to them or via the Council regarding anti-social behaviour by occupants and/or their visitors of the house, and on demand from the Council's HMO Licensing team, provide details including copies of warning letters, notices seeking possession, within 14 days of it being demanded.

3.4 The record shall include the:-

- i) date and time of complaint
- ii) name and addresses of complaint (person making complaint)

- iii) date and time of incident
- iv) details of the incident/complaint (location, what exactly happened, who was involved)
- v) details of any witnesses
- vi) name and address of alleged 'perpetrator', and
- vii) action taken by the licence holder to resolve the problem (e.g. contact made with the 'alleged perpetrator', face to face or by letter or both).

4.4 A sign must be displayed at all times in a prominent position in the hallway/common area of the house stating that anti-social behaviour in the premises will not be tolerated.

4.0 Furniture

- 4.1 The Licence Holder and/or manager must ensure that all upholstered furniture supplied by them for use by any occupier of the premises, whether new or second-hand is compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended). Any such furniture which fails to comply with these regulations must be removed from the premises without delay and properly disposed of. Suitable replacement furniture must be provided as appropriate The Licence Holder and/or manager must provide to the Council, on demand, a declaration as to the safety of furniture detailed in condition 4.1 above.
- 4.2 The Licence Holder and/or manager must maintain a file for the property holding copies of all tenancy agreements for inspection at any time.
- 4.3 The Licence Holder and/or manager must on request provide a written statement to the Council detailing names of persons occupying the property together with the rooms which they occupy, their tenancy start date and any agreement, within 14 days of receiving such a request.
- 4.4 The Licence Holder and/or manager must ensure that occupants of the property receive written confirmation detailing the arrangements

that have been put into place to deal with repair issues and emergencies should they arise. .

- 4.5 In the event of an emergency, the Licence Holder and/or manager must give at least 24 hours written notice of his intention to enter the HMO to the occupiers and be able to demonstrate he has reasonable cause to do so. The Licence Holder and/or manager must give at least 7 days' notice of his intention to enter the HMO to the occupiers for non-emergency repairs and inspecting rooms.

5.0 Fire Protection Facilities

- 5.1 The Licence Holder must ensure that the premises are provided with a satisfactory means of escape from fire according to the size, layout and type of accommodation provided.
- 5.2 The Licence Holder must ensure that an emergency lighting system is installed within the communal fire escape route of the premises in accordance with the current British Standard 5266.
- 5.3 The Licence Holder and/or manager must ensure that the emergency lighting system is maintained in proper working order.
- 5.4 The Licence Holder and/or manager must provide to the Council, on demand, a declaration as to the condition of the emergency lighting system.
- 5.5 Such a declaration must include the provision of a test certificate or report issued by a suitably qualified person stating that the system is installed in accordance with the appropriate British Standard and is in proper working order.
- 5.6 The emergency lighting must be tested and certified on an annual basis by a competent person in accordance with BS 5266-1:2005; further declarations including an up to date test certificate or report must be supplied to the Council upon demand..

- 5.7 The Licence Holder must ensure that an automatic fire detection and warning system is installed in the premises in accordance with the appropriate category and grade of the current British Standard 5839.
- 5.8 The Licence Holder and/or manager must ensure that the automatic fire detection and warning system is maintained in proper working order.
- 5.9 The Licence Holder and/or manager must provide to the Council, on demand, a declaration as to the condition of the automatic fire detection and warning system. Such a declaration must include the provision of a test certificate or report issued by a suitably qualified person stating that the system is installed in accordance with the appropriate British Standard and is in proper working order.
- 5.10 The automatic fire detection system must be tested and certified on an annual basis by a competent person in accordance with BS 5839-Part 1:2002 or BS 5839 – Part 6: 2004; further declarations including an up to date test certificate or report must be supplied to the Council thereafter, upon demand, .
- 5.11 The operation of the emergency lighting and the fire alarm system and any other communal appliance and lighting must be powered from the landlord's supply of electricity which is not permitted to be on a pre-payment top up meter.
- 5.12 The Licence Holder and/or manager must ensure that all firefighting equipment, where provided, is maintained in accordance with the manufacturer's recommendations and that replacement or refilled equipment is provided without delay following any usage which renders it no longer effective.
- 5.13 The Licence Holder and/or manager must ensure that a suitable and sufficient fire risk assessment is carried out for the property to identify what fire hazards exist at the premises and what measures have been taken (or will be taken) to minimise the risk.

5.14 The Licence Holder and/or manager must provide to the Council, on demand, a written copy of the risk assessment.

5.15 The licence holder must ensure that:-

- i) Means of escape are maintained and kept free from obstruction;
- ii) Electricity supplies to automatic fire detection and emergency lighting systems are not disconnected or threatened with disconnection for any reason;
- iii) Fire notices are clearly visible;
- iv) All residents are fully aware of the procedures to be followed in the event of a fire.

6.16 The licence holder should advise all new tenants to contact the Fire Service for a free Home Safety Fire Check. They can request a Safe and Well visit by calling 0800 085 0767 or make a request online through the Surrey Council webpage at <https://www.surreycc.gov.uk/people-and-community/fire-and-rescue/keeping-safe-from-fire/what-to-do-before-and-after-a-fire>

6.0 Electrical Installation and Appliances

6.1 The Licence Holder and/or manager must ensure that the fixed electrical installation of the premises is inspected and tested at intervals not exceeding 5 years by a person qualified to undertake such inspection and testing and must provide to the Council, on demand, a current periodic electrical inspection certificate for the premises in accordance with British Standard 7671.

6.2 The Licence Holder and/or manager must thereafter provide a further periodic electrical inspection certificate to the Council within 14 days of the expiry of the most recent electrical certificate or upon demand as the Council deems necessary.

6.3 The Licence Holder and/or manager must ensure that all portable electrical appliances supplied by them for use by any occupier of the premises are maintained in a safe condition.

6.4 The Licence Holder and/or manager must provide to the Council, on demand, a declaration as to the safety of such electrical appliances. Such a declaration must include the provision of a portable appliance test certificate or report issued by a suitably qualified person with respect to each item of electrical equipment so supplied.

7.0 Provision of Standard Amenities

7.1 The Licence Holder must ensure that the premises are provided with sufficient and adequate standard amenities as defined in Council's Private Sector Housing Standards Policy for use by the current or intended number of occupiers according to the type of accommodation offered.

7.2 The Licence Holder and/or manager must ensure that all standard amenities and equipment provided for use by the occupiers of the premises are maintained in good repair and proper working order.

8.0 Provision of Adequate Means of Space Heating

8.1 The Licence Holder must ensure that each unit of accommodation within the premises including all bathrooms, shower rooms and toilets, whether shared or for exclusive use are adequately heated in accordance with the Council's approved standards for houses in multiple occupation.