

# CITY OF WOLVERHAMPTON COUNCIL

## HOUSING ACT 2004

### LICENCE CONDITIONS (The Act; Part 2 Section 67-68 and Schedule 4)

#### General management, occupation and provision of information

##### **1. Information to be displayed and notification of changes**

- 1.1 The Licence Holder must ensure that a copy of the licence is clearly displayed within a suitable common part of the house 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 or by displaying adjacent to the licence.
- 1.2 The Licence Holder must display within the common parts of the house either his/her contact details, those of any manager appointed and out of hours/emergency contacts in connection with the running of the house. This must include their name, contact address and telephone number.
- 1.3 The Licence Holder must inform the Council within 14 days of any changes to the ownership or management of the house.
- 1.4 The Licence Holder must inform the Council in writing if they no longer reside at the address given and provide the Council with the new address details in writing within 14 days of the change.
- 1.5 The Licence Holder must inform the Council in writing if there is a change in the managing agent, within 14 days of such a change to enable the Council to vary the licence.
- 1.6 If the Licence Holder is a Managing Agent, they must inform the Council if the person specified as the main contact ceases to be employed by them and inform the Council in writing of the new contact, within 14 days of such a change.
- 1.7 If the Licence Holder is a Managing Agent, they must inform the Council if they cease to have an interest in the property, within 14 days of such a change to revoke the licence.
- 1.8 The Licence Holder must inform the Council by telephone within 72 hours of becoming aware of the occurrence of a fire within the property.

##### **2.0 Management of property**

- 2.1 The Licence Holder or Manager must provide, to any Authorised Officer of the Council, access into the licensed premises and all rooms when required to do so.
- 2.2 The Licence Holder must not permit the house to be occupied in any other way or by more than the number of households or persons permitted 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 (or equivalent) only.
- 2.3 The minimum room sizes to be imposed are
  - **6.51m<sup>2</sup> for one person over 10 years of age**
  - **10.22m<sup>2</sup> for two persons over 10 years of age**
  - **4.64m<sup>2</sup> for one child under the age of 10 years**
- 2.4 The Licence Holder must ensure that 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 over 10 years as specified in the licence.

- 2.5 The Licence Holder must ensure that 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 over 10 years as specified in the licence.
- 2.6 The Licence Holder must ensure that where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years as specified in the licence and the maximum number of persons aged under 10 years as so specified.
- 2.7 The Licence Holder must notify the local housing authority of any room in the HMO with a floor area of less than 4.64m<sup>2</sup>.
- 2.8 The licence holder must ensure that any room in the HMO with a floor area of less than 4.64m<sup>2</sup> is not used as sleeping accommodation.
- 2.9 The Licence Holder and/or manager must ensure that the house is properly managed at all times and in particular that the requirements of The Management of Houses in Multiple Occupation (England) Regulations 2006 as amended are complied with.
- 2.10 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 provided 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.
- 2.11 The Licence Holder and/or manager must not unreasonably cause or permit the supply of gas, electricity, water or drainage that is used by any occupier to be interrupted.
- 2.12 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, maintained in a good state of repair and kept free from obstruction.
- 2.13 The Licence Holder and/or manager must ensure that every outbuilding, yard area and forecourt which belongs to the house and is in common use, is in and is maintained in a good state of repair and in a clean condition.
- 2.14 The Licence Holder must consult with the Authority before making any material change to the layout, amenity provision, fire precautions or mode of occupation.
- 2.15 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.
- 2.16 The Licence Holder or their manager must be a permanent UK resident.
- 2.17 The Licence Holder and/or manager must inform the tenants at the start of each tenancy that smoking is not permitted to take place in the communal circulation areas of the premises by any person and appropriate signage must be installed. If evidence of smoking in the communal circulation areas is found during inspections of the property, action must be taken by the licence holder or nominated manager.

- 2.18 The Licence Holder must provide a sufficient number of external rubbish bins 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.
- 2.19 The licence holder is must comply with the requirements of any waste management scheme provided by the Council which relates to the storage and disposal of household waste at the HMO pending collection.
- 2.20 At the beginning of each new tenancy the licence holder must inform tenants in writing of proper refuse management. This must include information covering the usual days of refuse and recycling collection and contact details for refuse/bulky item collections undertaken by Wolverhampton City Council or other waste collection services. The licence holder must retain a copy of the information provided to each tenant, signed by the tenant acknowledging receipt and produce upon request to Wolverhampton City Council.
- 2.21 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 Fit and proper person**

- 3.1 The Licence Holder must ensure that any person or persons involved with the management of the house are to the best of their knowledge “fit and proper persons” for the purposes of Section 66 of the Act.
- 3.2 The Licence Holder must inform the Council if since becoming the Licence Holder they contravene any of sections 3.4 below. This must be done within 21 days of such a contravention.
- 3.3 The Licence Holder must inform the Council if the person managing the property contravenes any of sections 3.4 below. This must be done within 21 days of such a contravention.
- 3.4 The following criteria are considered in the assessment of whether the Licence Holder or Manager is a fit and proper person:-
  - (1) Offences involving:
    - 1.1 Fraud
    - 1.2 Dishonesty
    - 1.3 Violence
    - 1.4 Drugs
    - 1.5 Sexual Offences Act
  - (2) Unlawful discrimination of the grounds of sex, colour, race, ethnic or national origins or disability in connection with a business.
  - (3) Contravention of any provision or housing or landlord or tenant act. In particular:
    - 3.1 Cases where criminal proceedings are taken by any Local Authority
    - 3.2 Cases where any Local Authority has carried out works in default

- 3.3 Cases where a Management Order under the Housing Act 2004 has been made
- 3.4 Cases where an HMO licence has been refused or licence conditions have been breached.

#### **4.0 Anti-social behaviour**

- 4.1 The Licence Holder and/or manager must take reasonable steps to prevent or where appropriate reduce, anti-social behaviour by persons occupying or visiting the house. This would include notifying the appropriate authority, this may be the Police or the City Council, of any problems of anti-social behaviour which may be beyond the licence holder's reasonable capability to control and to reasonably cooperate with any action being taken in respect of the matter.
- 4.2 The Licence Holder and/or manager must undertake any investigation of complaints regarding their tenants and any problems occurring within the curtilage or within close proximity to the curtilage of the licensed property. Written records of these investigations must be undertaken and supplied to the Council upon request.

#### **5.0 Gas safety**

- 5.1 If gas is supplied to the premises, the licence Holder and/or manager must provide to the Council annually a Landlord's Gas Safety Certificate obtained in respect of the house within the last 12 months.
- 5.2 The communal boiler must be on the landlords supply of gas and must not be on a pre-payment top up meter.

#### **6.0 Furniture**

- 6.1 The Licence Holder and/or manager must ensure that all upholstered furniture supplied by them for use by any occupier of the premises is compliant with the relevant furniture and furnishings fire safety regulations. 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 on demand provide to the Council a declaration as to the safety of such furniture.

#### **7.0 Carbon monoxide alarms**

- 7.1 The Licence Holder must ensure that a carbon monoxide alarm is installed in any room within the house which is partly used as living accommodation and contains a solid fuel combustion appliance.
- 7.2 The Licence Holder and/or manager must keep all carbon monoxide alarms in proper working order and to supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.

## 8.0 Landlord and tenant

8.1 The Licence Holder and/or manager must supply to all occupiers of the house a written statement of the terms on which they occupy the house within 28 days of the commencement of each tenancy. This may take the form of a tenancy agreement or a separate written statement. The terms will describe and give details of:

- The type of tenancy, its duration and terms of notice.
- The amount of rent due together with dates and method of payment, and the circumstances when the rent may be altered.
- The amount of deposit taken, how it is held and the terms of its return.
- A written inventory for the contents of the house and a written statement of the condition of each room and its fittings, prior to the start of the tenancy.
- Conditions expressly prohibiting antisocial behaviour as specified in the code regarding anti-social behaviour.

8.2 The Licence Holder and/or manager must maintain a file for the property holding copies of all tenancy agreements for inspection at any time.

8.3 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.

8.4 The Licence Holder and/or manager must ensure that notification in writing is given to all occupants at the beginning of their occupancy regarding arrangements in place to deal with emergencies and any other repairs, such as operating any fire precautions installed and instructions for escape in the event of a fire.

8.5 Except in 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.

## 9.0 Fire protection facilities

9.1 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.

*(NOTE- The extent of the fire alarm system and safety measures in the HMO must be appropriate to its design for guidance on this please see the publications LACORS Housing – Fire Safety, and Homestamp Guide to Fire & Security Protection in Multi-Occupied Residential Properties)*

9.2 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.

9.2 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.

9.3 The Licence Holder and/or manager must ensure that any emergency lighting system is maintained in proper working order.

- 9.4 The Licence Holder and/or manager must provide to the Council, on demand, a declaration as to the condition of the emergency lighting system. 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.
- 9.5 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.
- 9.6 The Licence Holder and/or manager must ensure that the automatic fire detection and warning system is maintained in proper working order.
- 9.7 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.
- 9.8 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 from the Local Authority.
- 9.9 The operation of the emergency lighting and the fire alarm system and any other communal appliance and lighting must be powered from the landlords supply of electricity which is not permitted to be on a pre-payment top up meter.
- 9.10 The Licence Holder and/or manager must ensure that all fire-fighting 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.
- 9.11 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.
- 9.12 The Licence Holder and/or manager must provide to the Council, on demand, a written copy of the risk assessment.

## **10.0 Electrical installation and appliances**

- 10.1 The Licence Holder and/or manager must ensure that the fixed electrical installation of the premises is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing. 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.
- 10.2 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.

The Licence Holder and/or manager must provide to the Council, on demand, a declaration as to the safety of such electrical appliances.

## **11.0 Provision of standard amenities**

11.1 The Licence Holder must ensure that the premises are provided with sufficient and adequate standard amenities for use by the current or intended number of occupiers according to the type of accommodation offered in accordance with the Councils 'Landlords guide to amenity and space standards for houses in multiple occupation'.

11.2 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.

**12.0 Provision of adequate means of space heating**

12.1 The Licence Holder must ensure that each unit of accommodation within the premises, all bathrooms and kitchens, whether shared or for exclusive use are adequately heated in accordance with the Council's 'landlords guide to amenity and space standards for houses in multiple occupation'.