

Mandatory HMO Licensing Conditions

Schedule 1

Re: **42 Kestrel Lane, Wellingborough, Northants, NN8 4UD**

Ref No: **HM/2019/0007**

In accordance with Paragraph 1 of Schedule 4 of the Housing Act 2004, the HMO Licence under Part 2 of the Housing Act 2004 is granted subject to compliance with the following conditions:

Gas Safety

1. If gas is supplied to the house, to produce to the Authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months;

Schedule 4(2)

Furniture and Electrical Safety – Portable Appliance Safety

2. To keep electrical appliances and furniture made available by the licence holder in the house in a safe condition;
3. To supply the Authority, on demand, with a declaration by the licence holder as to the safety of the appliances and furniture detailed in condition 2;

Schedule 4(3)

Fire Detection - Smoke Alarms

4. To ensure that smoke alarms are installed in the house and to keep them in proper working order;
5. To supply the Authority, on demand with a declaration by the licence holder as to the condition and positioning of the smoke alarms detailed in condition 4.

Schedule 4(4)

Occupation Terms Tenancy Agreement

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

Schedule 4(5)

Failure to comply with these licence conditions may result in the revocation of the HMO Licence and/or prosecution

Waste

7. Ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal.
8. Make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority.

Schedule 4(6)

Additional HMO Licensing Conditions

Schedule 2

Re: **42 Kestrel Lane, Wellingborough, Northants, NN8 4UD**

Ref No: **HM/2019/0007**

In accordance with Section 67 of the Housing Act 2004, the HMO Licence under Part 2 of the Housing Act 2004 is granted subject to compliance with the following conditions:

1.0 Occupation

1.1 The maximum number of households allowed to occupy the property is 7, and the maximum number of persons allowed to occupy the property is 8 (subject to planning).

Floor	Room	Shared (S) or Exclusive (E)	Sleeping for (no. of persons)	Number of households
Ground	Letting 1	E	1	1
First	Letting 2	E	1	1
First	Letting 3	E	1	1
First	Letting 4	E	1	1
First	Letting 5	E	1	1
First	Letting 6	E	2	1
First	Letting 7	E	1	1

Common areas are not to be used for sleeping purposes either by the tenants or their guests.

1.2 If, following an inspection from a Housing Technician, the property is deemed as unsuitable for this number of persons you will be notified in writing. Works may be required to make the property suitable or the licence may be varied stating the maximum number of persons that the property can accommodate.

1.3 Bedrooms should be of adequate size for the number of occupants. No persons over the age of twelve years and of opposite sexes shall be allowed to sleep in the same room unless they are co-habitees.

1.4 There is to be no obligate sharing.

Failure to comply with these licence conditions may result in the revocation of the HMO Licence and/or prosecution

- 1.5 A list of all occupants is to be provided to the Borough Council of Wellingborough on demand and within 28 days if requested

Section 67(2)(a)

2.0 Changes to the Licensed property and/or Licence Holder

- 2.1 The licence holder will be required to notify the Council of any intended alterations or changes in the use and occupancy levels of each room, which may affect the licence contents or conditions attached to the licence.
- 2.2 The licence holder will be required to inform the Council immediately of any material change of circumstance affecting the licence holder or the operation of the property.
- 2.3 The licence holder must inform the Borough Council of Wellingborough (the Council) if they no longer reside at the address given and provide the Council with the new address details within 21 days of a change.
- 2.4 The licence holder must inform the Borough Council of Wellingborough (the Council) if there is a change in managing agent, within 21 days of such a change.
- 2.5 If the licence holder is a managing agent they must inform the Borough Council of Wellingborough (the Council) if the person who is specified as the main contact ceases to be employed by them and inform the Council of a new contact, within 21 days of such a change.
- 2.6 If the licence holder is a managing agent they must inform the Borough Council of Wellingborough (the Council) if they cease to have an interest in the property, within 21 days of such a change.

Section 67(1)(a)(b)

3.0 Fit and proper person

- 3.1 The licence holder must inform the authority if since becoming the licence holder he contravenes any of the below sections a) to d). This must be done within 21 days of such a contravention.
- 3.2 The licence holder must inform the Authority if the person managing the property contravenes any of the sections a) to d) below. This must be done within 21 days of such a contravention.
- 3.3 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 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 (ACoP).

Section 67(1)(a)(b)

4.0 Outstanding Notices

- 4.1 The Licence Holder is responsible for ensuring that all Notices served on him/her in relation to the property are complied with.
- 4.2 If there are outstanding Housing Act, Environmental Protection Act, or Housing Grants, Construction and Regeneration Act 1996 notices served these must be complied with within the time period specified on the Notice.
- 4.3 If an enforcement notice is served it must be complied with within the time period specified on the notice.
- 4.4 If an enforcement notice has been served under the Town and Country Planning Act it must be complied with within the time period specified on the notice.

Section 67(1)(a)(b)

5.0 Harassment and Illegal Eviction

- 5.1 The licence holder must ensure that all evictions are carried out under the provisions of the current legislation.
- 5.2 The licence holder must serve the correct eviction notice and must not do acts likely to interfere with the peace or comfort of a tenant or anyone living with him or her; or persistently withdraw or withhold services for which the tenant has reasonable need to live in the premises as a home or allow a third party to commit such offences.
- 5.3 The licence holder must seek the advice of the Citizens Advice Bureau or a solicitor about any unresolved issues regarding the eviction of tenants.

6.0 Occupation Terms - Tenancy Agreement

6.1 This must include:-

- details of how deposits will be held and terms of return
- an inventory of contents and condition
- details of rent and dates due together with rent payment methods and how and when rent may be increased
- a means of contact for reporting repairs etc.

7.0 Security

7.1 The licence holder will be required to ensure that there are sufficient measures in the property to provide a secure environment for the occupiers.

7.2 The licence holder must have a policy on controlling the return of room keys when rooms are vacated. This shall include action to be taken to ensure lock barrels are changed when keys are not returned.

7.3 The licence holder should seek the advice of the local police station's crime prevention officer on measures to improve the security of the property, including lettings and communal areas.

7.4 The front door of the HMO must be fitted with a mortice lock (thumb turn) or equivalent, to five lever security level.

Section 67(1)(a)(b)

8.0 Managing anti-social behaviour

8.1 The licence holder will be required to ensure that any anti-social behaviour by occupiers or their visitors is dealt with appropriately and effectively.

8.2 In this regard, complaints of noise and other possible sources of nuisance or anti-social behaviour will need to be properly investigated, whether these complaints are made by other occupiers of the property or by residents of neighbouring properties.

8.3 Where complaints are found to be justified, the licence holder will be required to ensure that all reasonable steps are taken to resolve the problems.

8.4 Any written statement of terms of the tenancy provided to the occupiers under these licence conditions shall include an express prohibition on anti-social behaviour which causes a nuisance or annoyance to adjoining occupiers and a warning that breach of the prohibition could lead to loss of accommodation.

This must apply to both the occupier and any guests for whom the occupier is responsible.

8.5 The licence holder shall take reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house;

8.6 The licence holder shall ensure that each occupier is made aware of any conditions imposed by the Council relating to the behaviour of occupants, and that compliance with any such conditions is made a condition of occupancy. Those conditions are that the occupants shall:

- not cause nuisance and annoyance to other occupants or to neighbouring residents;
- comply with arrangements made by the manager for the storage and disposal of refuse;
- not cause damage to fixtures, fittings, fire precautions, or 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;

Section 67(2)(b)

9.0 The Management of Houses in Multiple Occupation (England) Regulations 2006

The property must comply with the requirements of the above Regulations

If the licence holder is also the manager of the property, he/she will be required to comply with the requirements of Regulations 3 to 9 of the Management of Houses in Multiple Occupation (England) Regulations 2006 (*Statutory Instrument 2006 No. 372*).

If the licence holder is not also the manager of the property, then the licence holder will be required to ensure that the manager complies with the requirement of the Regulations.

The document "A Guide to the Management of Houses in Multiple Occupation Regulations 2006" produced by Corby Borough Council (enclosed) summarizes the requirements provides practical advice on how to meet these Regulations.

N.B. If you require full details of the Regulations you can obtain a copy from Stationery Office Ltd or on-line at:
<http://www.opsi.gov.uk/si/si200603.htm>

Section 67(2)(c)

9.1 Safety measures

- 9.1.1 The licence holder will also be required to provide, on request of the Council, copies of annual inspection and test certificates for automatic fire detection systems, and for emergency lighting systems, where provided.

10.0 The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

The Licence Holder must maintain the following specified conditions so as to comply with Schedule 3 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulation 2006.

10.1 Property condition

- 10.1.1 The property must meet the prescribed standards required for space, amenities and fire precautions to determine the suitability for occupation of an HMO by a particular number of households or persons as specified by The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 Schedule 3 and further detailed by Northampton Borough Councils standards for HMOs.

10.2 Heating

- 10.2.1 Heating should be controllable by the tenants, and safely and properly installed and maintained. It should be appropriate to the design, layout and construction, such that the whole of the dwelling can be adequately and efficiently heated. The space heating may be centrally controlled but such systems should be operated to ensure that tenants are not exposed to cold indoor temperatures and should be provided with controls to allow the tenants to regulate the temperature within their unit.

10.3 Washing facilities

- 10.3.1 There must be one separate toilet with wash hand basin with appropriate splash back for every five sharing occupiers; and at least one bathroom (which may contain a toilet) with a fixed bath or shower for every five sharing occupiers. Each room must have adequate ventilation, electric lighting and heating.
- 10.3.2 A toilet in a proper compartment (not part of the bathroom) must be provided, so that there is one toilet to not more than 5 persons. Toilets should be readily accessible and must have adequate ventilation, artificial lighting and heating. Every toilet compartment should be provided with a wash hand basin with hot and cold water supplies and adequate drainage (outside toilets are not acceptable).

- 10.3.1 All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.
- 10.3.2 All bathrooms and toilets in an HMO must be suitably and adequately heated and ventilated.
- 10.3.3 All bathrooms and toilets in an HMO must be of an adequate size and layout.
- 10.3.4 All baths, toilets and wash hand basins in an HMO must be fit for the purpose.
- 10.3.5 All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.

10.4 Kitchens

- 10.4.1 There must be a kitchen, suitably located in relation to the living accommodation, 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;
- 10.4.2 The kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities:-
- (a) sinks with draining boards;
 - (b) an adequate supply of cold and constant hot water to each sink supplied;
 - (c) installations or equipment for the cooking of food;
 - (d) electrical sockets;
 - (e) worktops for the preparation of food;
 - (f) cupboards for the storage of food or kitchen and cooking utensils;
 - (g) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
 - (h) appropriate refuse disposal facilities; and
 - (i) appropriate extractor fans, fire blankets and fire doors.

- 10.4.3 Kitchens should be arranged to allow safe access and easy use.

10.5 Fire precautionary facilities

- 10.5.1 Appropriate fire precaution facilities and equipment must be provided of such type, number and location as considered necessary.

10.5.2 Ensure that all tenants are aware of the fire exit routes and what to do in the case of a fire.

11.0 Miscellaneous Conditions

- 11.1 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.
- 11.2 The licence holder shall at all times comply with relevant landlord and tenant legislation.
- 11.3 Should any remedial works be recommended by the Council, the licence holder must ensure that such works are completed no later than the dates stipulated in the remedial report.
- 11.5 The manager must provide the occupiers with details of his/her name, address and contact telephone number and must display such details in a prominent position within the HMO.
- 11.6 The use of a property as an HMO with more than six people sharing is known as a "Sui Generis". This type of use will normally require planning permission. A local authority have ten years to enforce planning, after which time a landlord may defend any enforcement notice on the grounds that it is out of time [s.171B(3) Town and Country Planning Act 1990.]