

HOUSING ACT 2004

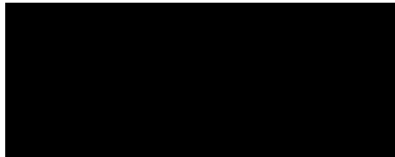
Section 64

Licence of house in multiple occupation (HMO)

The **South Gloucestershire Council** ("the Authority")

hereby grant to **Edward Davis**

of



A licence under section 64 of the Housing Act 2004, subject to the conditions set out in the schedules attached, in respect of the House in Multiple Occupation known as:

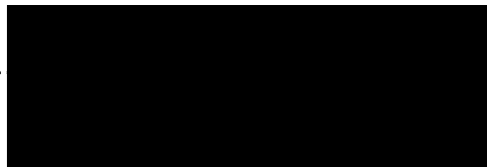
**558 Filton Avenue
Filton
South Gloucestershire
BS7 0QG**

The Authority has decided that the house is reasonably suitable for occupation by not more than the maximum of **6 households and 6 persons**.

This licence is granted this **9th day of October 2018**. It shall come into force on **24th day of October 2018**, and shall remain in effect for a period of **5 years** from that date, unless previously revoked.

Dated **9th October 2018**

Signed



Designation **Private Sector Housing Officer**

The officer appointed for this purpose

Number of Schedule 1 attachments
(For Schedule 1 form see HMO 64A)

1

Number of Schedule 2 attachments
(For Schedule 2 form see HMO 64B)

1

NON-TRANSFERABLE

These notes are intended as general information to the recipient(s) of this licence. The notes are not intended to be definitive and the recipient should refer to the full version of the Housing Act 2004.

"category 1 hazard" means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score of or above a prescribed amount; "category 2 hazard" means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score below the minimum amount prescribed for a category 1 hazard of that description; and "hazard" means any risk of harm to the health or safety of an actual or potential occupier of a dwelling or HMO which arises from a deficiency in the dwelling or HMO or in any building or land in the vicinity (whether the deficiency arises as a result of the construction of any building, an absence of maintenance or repair, or otherwise).

64 Grant or refusal of licence

- (1) Where an application in respect of an HMO is made to the local housing authority under section 63, the authority must either -
 - (a) grant a licence in accordance (a) with subsection (2), or
 - (b) refuse to grant a licence.
- (2) If the authority are satisfied as to the matters mentioned in subsection (3), they may grant a licence either -
 - (a) to the applicant, or
 - (b) to some other person, if both he and the applicant agree.
- (3) The matters are -
 - (a) that the house is reasonably suitable for occupation by not more than the maximum number of households or persons mentioned in subsection (4) or that it can be made so suitable by the imposition of conditions under section 67;
 - (b) that the proposed licence holder -
 - (i) is a fit and proper person to be the licence holder, And
 - (ii) is, out of all the persons reasonably available to be the licence holder in respect of the house, the most appropriate person to be the licence holder;
 - (c) that the proposed manager of the house is either -
 - (i) the person having control of the house, or
 - (ii) a person who is an agent or employee of the person having control of the house;
 - (d) that the proposed manager of the house is a fit and proper person to be the manager of the house; and
 - (e) that the proposed management arrangements for the house are otherwise satisfactory.
- (4) The maximum number of households or persons referred to in subsection (3)(a) is -
 - (a) the maximum number specified in the application, or
 - (b) some other maximum number decided by the authority.
- (5) Sections 65 and 66 apply for the purposes of this section.

65 Tests as to suitability for multiple occupation

- (1) The local housing authority cannot be satisfied for the purposes of section 64(3)(a) that the house is reasonably suitable for occupation by a particular maximum number of households or persons if they consider that it fails to meet prescribed standards for occupation by that number of households or persons.
- (2) But the authority may decide that the house is not reasonably suitable for occupation by a particular maximum number of households or persons even if it does meet prescribed standards for occupation by that number of households or persons.
- (3) In this section "prescribed standards" means standards prescribed by regulations made by the appropriate national authority.
- (4) The standards that may be so prescribed include -
 - (a) standards as to the number, type and quality of -
 - (i) bathrooms, toilets, wash-basin and showers,

- (ii) areas food storage, preparation and cooking, and
- (iii) laundry facilities, which should be available in particular circumstances; and
- (b) standards as to the number, type and quality of other facilities or equipment which should be available in particular circumstances.

66 Tests for fitness etc. and satisfactory management arrangements

- (1) In deciding for the purposes of section 64(3)(b) or (d) whether a person ("P") is a fit and proper person to be the licence holder or (as the case may be) the manager of the house, the local housing authority must have regard (among other things) to any evidence within subsection (2) or (3).
- (2) Evidence is within this subsection if it shows that P has -
 - (a) committed any of offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c.42) (offences attracting notification requirements);
 - (b) practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business;
 - (c) contravened any provision of the law relating to housing or of landlord and tenant law; or
 - (d) acted otherwise than in accordance with any applicable code of practice approved under section 233.
- (3) Evidence is within this subsection if -
 - (a) it shows that any person associated or formerly associated with P (whether on a person, work or other basis) has done any of the things set out in subsection (2)(a) to (d), and
 - (b) it appears to the authority that the evidence is relevant to the question whether P is a fit and proper person to be the licence.
- (4) For the purposes of section 64(3)(b) the local housing authority must assume, unless the contrary is shown, that the person having control of the house is a more appropriate person to be the licence holder than a person not having control of it.
- (5) In deciding for the purposes of section 64(3)(e) whether the proposed management arrangements for the house are otherwise satisfactory, the local housing authority must have regard (among other things) to the considerations mentioned in subsection (6).
- (6) The considerations are -
 - (a) whether any person proposed to be involved in the management of the house has a sufficient level of competence to be so involved;
 - (b) whether any person proposed to be involved in the management of the house (other than the manager) is a fit and proper person to be so involved; and
 - (c) whether any proposed management structures and funding arrangements are suitable.
- (7) Any reference in section 64(3)(c)(i) or (ii) or subsection (4) above to a person having control of the house, or to being a person of any other description, includes a reference to a person who is proposing to have control of the house, or (as the case may be) to be a person of that description, at the time when the licence would come into force.

Advice:

If you do not understand this licence or wish to know more about it, you should contact the Local Authority. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Local Authority (4) The standards that may be so prescribed include - require you to do, you may wish to consult a surveyor.

Schedule 1

Mandatory Conditions

Conditions requiring the following requirements must be included in this Schedule.

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;*
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;*
4. *To ensure that smoke alarms are installed in the house and to keep them in proper working order; the following minimum fire safety standards will apply to all HMO's*:*
 - *Mains wired heat alarm, complete with integral battery back-up located in any kitchen*
 - *Mains wired smoke alarms, complete with integral battery back-up located in the hallway and any landing(s) of the property*
 - *Mains wired smoke alarm, complete with integral battery back-up located in any living room*
 - *FD30s Fire Door, complete with self-closer and cold smoke seals, to any kitchen*
 - *A fire blanket, to be provided in the kitchen, mounted on the wall approximately 1.5 meters high and closer to the room exit than the cooking facilities*
 - *All bedroom doors (where locks are provided, front door and back door to be fitted with thumb turn locks openable from the inside without the use of a removable key*

**Further fire safety works may be required following an inspection of the property, this will be dependent on the size, layout and type of HMO (young professional/bedsit type HMO's may require a higher standard).*

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

This licence is subject to all of the above mandatory conditions.

Schedule 2

Other Conditions

Conditions the Authority consider appropriate may be included in this schedule.

1. *To regulate the management, use and occupation of the house concerned*
2. *To regulate the condition and contents of the house*
3. *Conditions imposing restrictions or prohibitions on the use or occupation of particular parts of the house by persons occupying it*
4. *Conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house*
5. *Conditions requiring facilities and equipment to be made available in the house for the purpose of meeting standards prescribed under section 65*
6. *Conditions requiring such facilities and equipment to be kept in repair and proper working order*
7. *Conditions requiring, in the case of any works needed in order for any such facilities or equipment to be made available or to meet any such standard, that the works are carried out within such period or periods as maybe specified in, or determined under, the licence*
8. *Conditions requiring the licence holder or the manager of the house to attend training courses in relation to any applicable code of practice approved under section 233 of the Act*
9. *Ensure that all tenants follow the Council's waste collection and recycling programme and that there is no rubbish accumulation at the property. Provide a suitable bin storage area and sufficient waste receptacles to allow for the number of tenants. See accompanying information for further details.*
10. *If the property is currently below an E rating on the Energy Performance Certificate (EPC) then the landlord must comply with the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. The property must be brought up to a minimum standard of an "E" rating either before the next change/renewal of tenancy (with new or existing tenants) or by December 2020 if the tenants are on a long-term tenancy that will not be renewed before April 2020. Further information can be found at www.gov.uk/government/publications/the-private-rented-property-minimum-standard-landlord-guidance-documents and www.warmandwell.co.uk/*
11. *Any other conditions which the local housing authority consider appropriate*

12. **Once completed, provide a current Periodic Inspection Report on the electrical installation that also includes the fire alarm system, which indicates no defects under Category 1 or 2**
13. **Once completed, provide a current Gas Safety Certificate on the gas installation that indicates that all appliances are safe to use**
14. **There is to be no obligate sharing of bedrooms**
15. **Tenants are to have 24hr direct access to all toilet, personal washing and cooking facilities and equipment**
16. **The licence holder is to complete a recognised course on the Approved Code of Practice relating to the management of HMOs within 5 years of the licence being granted or publication of the code (whichever is the later)**
17. **A list of all occupants is to be provided to South Gloucestershire Council on demand**
18. **Any other person that becomes involved in the management of the property after the licence date must also be a fit and proper person**
19. **The property is to be occupied in accordance with and by no more than the number of persons and households specified below:**

Ground Floor Left Rear: 1 person

First Floor Front Left: 1 person

First Floor Front Right: 1 person

First Floor Rear Left: 1 person

Second Floor Rear: 1 person

Second Floor Front: 1 person

20. **The licence is issued based on the information provided in the application form and floor plan; it is subject to variation once a formal inspection of the property is carried out to confirm the information and ensure the amenity and safety standards are sufficient.**