

Hartlepool Borough Council – Licence Conditions for Licensable Houses in Multiple Occupation

Housing Act 2004, section 67 Mandatory Conditions

The following mandatory conditions are applied to all licences issued under part 2 of the Housing Act 2004:

1.1 Gas Safety

If gas is supplied to the house, the Licence Holder must produce to the Council, annually for inspection a gas safety inspection certificate obtained in respect of the house within the last 12 months.

The annual safety check should be carried out by a recognised engineer approved under regulation 3 of the Gas Safety (Installation and Use) Regulations 1998 on each gas appliance in the house.

1.2 Safety of Electrical Appliances and Furniture

1.2.1 The Licence Holder must ensure that all electrical appliances and furniture provided by them are maintained in a safe condition.

1.2.2 The Licence Holder must provide a declaration to the Local Authority on demand as to the safety of electrical appliances and furniture.

It is recommended that all appliances are inspected for defects at least every two years or at the start of any new occupancy. The tests must be carried out by a person competent in the use of testing equipment and who has the appropriate electrical knowledge and training, such as a competent electrician or person in possession of a City & Guilds Certificate 2377.

1.2.3 The Licence Holder must ensure that all furniture provided by them complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended).

1.3 Smoke Alarms

1.3.1 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 (including a bathroom or lavatory) and to keep each smoke alarm in a proper working order.

1.3.2 The Licence Holder must supply, on demand, a signed declaration as to the condition and positioning of such smoke alarms to the Local Authority.

1.4 Carbon Monoxide Alarms

1.4.1 The Licence Holder must ensure that a carbon monoxide alarm is installed in any room in the house, which is used wholly or partly as living accommodation, including a bathroom or lavatory, and contains a fixed combustion appliance other than a gas cooker and to keep any such carbon monoxide alarms in a proper working order.

1.4.2 The Licence Holder must supply, on demand, a signed declaration as to the condition and positioning of any such alarms to the Local Authority.

1.5 Statement of Terms

1.5.1 The licence holder must supply to the occupiers of the house, a written statement of the terms on which they occupy the property (this is usually a tenancy or licence agreement).

1.5.2 The licence holder must keep a copy of the written statement of terms and evidence of the written statement of terms being provided to the occupiers throughout the occupiers' occupation of the property and for a period of 2 years after the end of the occupation.

1.5.3 The licence holder must provide to the Council a copy of the written statement of terms and evidence of this being provided to the occupiers within 14 days on demand.

1.6 Floor Area

1.6.1 The Licence Holder must ensure:

- a) the floor area of any room in the HMO used as sleeping accommodation by one person over the age of 10 years is not less than 6.51 square metres;
- b) 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;
- c) the floor area of any room in the HMO used as sleeping accommodation by one person under 10 years is not less than 4.64 square metres;
- d) any room in the HMO with a floor area of less than 4.64 square metres is not to be used as sleeping accommodation.

1.6.2 The Licence Holder must ensure:

- a) 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 specified in the licence;
- b) 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;
- c) 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 to be 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.

Any part of the floor area, where the height of the ceiling is less than 1.5 metres is not to be taken into account when calculating the floor area.

1.6.3 The Licence Holder must notify the Local Authority if there are any breaches of the conditions above relating to minimum room sizes.

1.6.4 The Licence Holder must rectify any breaches of the minimum floor area within 18 months of notification.

1.7 Maximum Room Occupancy

The Licence Holder must ensure that the maximum number of occupants permitted for each room as sleeping accommodation is not exceeded. * *Note*

Regard must be given to the maximum number of persons/households permitted to occupy the house indicated within the main body of the licence based upon amenity provision and not by adding the maximum permitted numbers for individual rooms.

1.8 Storage and Disposal of Household Waste

1.8.1 The Licence Holder must comply with any scheme which is provided by the local housing authority to the licence holder and relating to the storage and disposal of waste pending collection.

1.8.2 The Licence Holder must ensure that an adequate number of bins are provided for the storage of general waste, recycling and garden waste (if appropriate) and must ensure that waste is presented for collection at the appropriate intervals.

Discretionary Conditions

The Council may also impose additional discretionary conditions for regulating all or any of the following-

- a) the management, use and occupation of the house; and
- b) its condition and contents

These may include some, or all of the following which would depend on an initial assessment of the house and consultation with appropriate agencies, partners, proposed Licence Holder and any other person having an interest in the house, its condition or management. (Note that this is not an exhaustive list).

2.1 Safety of Electrical Installations

2.1.1 The Licence Holder must ensure that the electrical installation in the house is kept in a safe and proper working order.

2.1.2 The Licence Holder must provide to the Local Authority a copy of an electrical certificate (Periodic Inspection Report) obtained within the last five years, where applicable, relating to the following installations in the house: -

- a) Fire Alarm System
- b) Smoke/Heat Detection System
- c) Emergency Lighting System
- d) General Electrical Installation

2.1.3 The Licence Holder must ensure that a full periodic inspection of the electrical installation in the house is undertaken in accordance with BS 7671 (or any British Standard which subsequently replaces this) at intervals of no more than 5 years.

The Licence Holder must ensure that this inspection is carried out by a competent person. A competent person in this respect includes NICEIC enrolled contractors or ECA members who regularly inspect, and are qualified to inspect domestic electrical installation systems and whose work is subject to regular assessment.

2.1.4 The Licence Holder must provide, on demand, a further inspection report when the following circumstances apply:-

- a) substantial change in property configuration.
- b) fire damage.
- c) extensive vandalism.
- d) evidence of regular/frequent poor property management by the responsible person.

2.2 Fire Safety Precautions

2.2.1 The Licence Holder must ensure that appropriate fire safety precautions are provided of such type, number and location as is considered necessary. Reference should be made to the Fire Safety Guidance for Houses in Multiple Occupation document and the LACoRS Housing – Fire Safety Guidance 2008.

2.2.2 The Licence holder must ensure a suitable and sufficient Fire Risk Assessment is in place for the specified property.

2.2.3 The licence holder must supply, on demand, a copy of the Fire Risk Assessment to the Local Authority.

2.3 Natural Lighting

2.3.1 All habitable rooms must be provided with an area of clear glazing situated in either a window and/or a door, equivalent to at least $\frac{1}{10}$ th of the floor area of the room.

2.3.2 All kitchens, bathrooms and water closet compartments must comply with this requirement. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of 2.4. All glazing to windows in bathrooms and water closet compartments shall be obscure.

2.3.3 Underground rooms used as habitable rooms must comply with the above. Where this is not practicable, adequate artificial lighting must be provided in accordance with the requirements of 2.4, to the satisfaction of the Local Authority.

2.3.4 All staircases, landings and passages must be provided with an area of clear glazing in a window. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of 2.4.

2.4 Artificial Lighting

2.4.1 All habitable rooms, kitchens, bathrooms, water closet compartments staircases, landings and passages must be adequately lighted by electricity.

2.4.2 Time switches should only be allowed to common landings, passages and staircases and should stay on for an adequate time to allow a person to climb stairs and enter a room.

2.4.3 There should be sufficient switches to operate the artificial lighting on each landing, corridor or passage and each switch should allow adequate lengths of corridors, passages and stairways to be illuminated at the same time.

2.5 Heating

2.5.1 The Licence Holder must provide an adequate means of space heating within each unit of living accommodation that is capable of maintaining an indoor temperature of at least 19°C when the outside temperature is -1°C.

Heating may be by means of:

- a) Central heating;
- b) Gas heaters connected to a suitable flue or terminal outlet;
- c) Oil heaters connected to a suitable flue or terminal outlet;
- d) Electricity. Any electrical heater should be a fixed installation and connected via a fused spur for the sole use of the appliance.

2.5.2 The Licence Holder must not permit the use of portable paraffin or oil fired heaters and liquefied petroleum gas heaters (LPG) (Bottled Gas heaters) under any circumstances.

2.5.3 Portable or removable heating appliances will not be acceptable and the Licence Holder must not permit such appliances to be used.

2.6 Space Standards

2.6.1 The Licence Holder must ensure that the numbers of households and/or persons permitted to occupy the property does not exceed the number stated on the licence. The numbers specified will take into account the type and layout of the accommodation and the amenities available as well as the minimum statutory requirements set out in schedule 1, paragraph 1.6. The Licence Holder should refer to the guidance set out in the Hartlepool Space Standards and Amenities document.

2.6.2 The Licence Holder must ensure that common areas, including shared living rooms, kitchens, hallways etc. of the house are not used for sleeping, either by tenants or their guests.

2.7 Amenities

The Licence Holder must ensure that the house complies with the amenities standard as set out in the Space Standards and Amenities document as attached.

2.8 Compliance with the Management Regulations

The Licence Holder must ensure that the property is managed at all times to comply with the Management of Houses in Multiple Occupation (England) Regulations 2006 or any regulations that subsequently replace these and any Approved Code of Practice issued under section 233 of the Housing Act 2004.

2.9 Management Arrangements

2.9.1 The Licence Holder must ensure that any persons involved with the management of the house, including themselves, to the best of their knowledge are 'fit and proper' persons for the purpose of the Housing Act 2004. Any factors that may affect any person's involvement in the management of the house must be reported to the Local Authority in writing.

2.9.2 The Licence Holder must consult the Local Authority on any proposed changes to the layout, amenity provision, fire precautions or mode of occupation of the house.

2.9.3 The Licence Holder must notify the Local Authority immediately if a transfer of ownership or management is proposed.

2.9.4 The Licence Holder must ensure that a copy of the licence is displayed within the common parts of the house for the benefit of all tenants.

2.9.5 The Licence Holder must display within the common parts of the house his/her contact details together with those of any manager or agent appointed in connection with the running of the house.

2.10 Property Condition

The Licence Holder must ensure that the property is maintained in a reasonable condition and have a written procedure in place to deal with reports of disrepair.

2.11 Anti-social Behaviour

2.11.1 The Licence Holder must take reasonably practical steps to prevent or where appropriate reduce, anti-social behaviour by persons occupying or visiting the house. They must also reasonably cooperate with the Local Authority over any action being taken in respect of the same.

2.11.2 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 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 agents/landlord/local authority staff to maintain communal areas and with reasonable notice to carry out works/carry out inspections within the occupant's own accommodation.

2.12 Training

The Licence Holder or manager must, if required by Hartlepool Borough Council, attend relevant training or otherwise demonstrate competence.