

**Proposed HMO Licensing Conditions
South Holland District Council**



Extract from Housing Act 2004

Section 67

(1) A licence **may** include such conditions as the local housing authority consider appropriate for regulating all or any of the following —

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

(2) Those conditions may, in particular, include (**so far as appropriate in the circumstances**) –

- (a) conditions imposing restrictions or prohibitions on the use or occupation of particular parts of the house by persons occupying it;
- (b) conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti social behaviour by persons occupying or visiting the house;
- (c) conditions requiring such facilities or equipment and equipment to be made available in the house for the purposes of meeting standards prescribed under section 65;
- (d) conditions requiring such facilities to be kept in repair and proper working order;
- (e) 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 standards, that the works are carried out within such period or periods as may be specified in, or determined under the licence;
- (f) 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.

(3) A licence must include the conditions required by a schedule 4

(4) As regards the relationship between the authority's power to impose conditions under this section and functions exercisable by them under or for the purposes of Part 1 ("Part 1 functions")—

- (a) the authority must proceed on the basis that, in general, they should seek to identify, remove or reduce category 1 or category 2 hazards in the house by the exercise of Part 1 functions and not by means of licence conditions;

Conditions which incorporate the mandatory requirements

Clauses in **bold** are those specifically required in schedule 4 of the Housing Act 2004.

1. If gas is supplied to the house the Gas Safety (installation and use) Regulations 1998 where relevant to the licence holder shall be complied with in all respects.

1.2 In particular an annual safety check shall be carried out by a CORGI registered engineer on each gas appliance/flue

1.3 A gas safety certificate obtained within the last 12 months in respect of the house shall be produced by the licence holder to South Holland District Council on and annually thereafter for their inspection.

2. The Electrical Equipment (Safety) Regulations 1994 as they apply to the licence holder shall be complied with.

2.1 Electrical appliances made available in the house by the licence holder shall be kept in a safe condition.

2.2 All electrical appliances made available in the house by the licence holder shall be inspected visually for defects (e.g. frayed wiring, badly fitting plugs etc) at the beginning of each occupancy and in any event every two years.

2.3 Earthed equipment (class 1) e.g. kettles and irons and the associated leads and plugs, made available by the licence holder shall be tested at the point of supply and at least every two years thereafter (more often if deemed necessary by a risk assessment undertaken by the licence holder). This test shall be undertaken by a person competent in the use of the testing equipment and who has the appropriate electrical knowledge and training (i.e. a competent electrician or other person in possession of a City and Guilds Certificate 2377).

2.3 Unsafe items shall be removed.

2.4 A record of visual inspections and tests shall be maintained by the licence holder.

2.5 A declaration, on demand, shall be supplied to South Holland District Council as to the safety of such appliances.

3. The Furniture and Furnishings (Fire Safety) Regulations 1988 shall be complied with, in respect of any upholstered furniture supplied by the licence holder including chairs, sofas, children's furniture, beds, upholstered head boards, mattresses, scatter cushions, seat pads, pillows and upholstered garden furniture.

3.1 The furniture made available by the licence holder shall be kept in a safe condition.

3.2 A declaration, on demand, shall be supplied to South Holland District Council as to the safety of such furniture.

4. The licence holder shall ensure that at all times [smoke alarms] [a fire detection system] in proper working order [are] [is] installed at the house.

4.1 A fire detection and alarm system designed to meet the requirements of BS 5839 - 6:2004 shall be installed in the house in accordance with the specification below:-

[Technical specification to be inserted here.](#)

Note: Clause 4.1 may not be appropriate – see section 67 of the Act

4.2 The fire alarm system in the property shall be inspected tested and serviced (where relevant) in accordance with BS 5839 - part 1:2002, sections 6 and 7. In particular the following shall be carried out:-

every 6 months checks on the system shall be carried out in accordance with clause 45.3

every 12 months checks on the system shall be carried out in accordance with clause 45.4

Where provided independent smoke alarms shall be cleaned periodically in accordance with supplier's instructions.

Throughout the period of the licence, inspection and servicing certificates in the format recommended by BS 5839 - part 1:2002 (Annex G 6), [shall be submitted to the Council within 1 month of each check] [shall be submitted to the Council upon demand by an authorised officer of the Council].

The above mentioned checks shall be carried out by a competent person. (NICEIC, ECA or BFPSA contractors who are familiar with all British Standards relating to automatic fire detection systems are normally acceptable in this respect. Other contractors will be asked to demonstrate their competence to the Council before acceptance of the certificates.)

4.3 A declaration, on demand, shall be supplied to South Holland District City Council as to the condition and position of any smoke alarms in the property.

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

Proposed discretionary licence conditions

Items 1- 7 are likely to be applied on all licences and items 8-11 will be applied to licences so far as is appropriate in the circumstances (marked with an asterisk)

1. The licence holder shall comply with The Housing (Management of Houses in Multiple Occupation) Regulations 1990 and any Approved Code of Practice issued under section 233 of the Housing Act 2004.

2. The electrical installation shall be kept safe and in proper working order.

2.1 A periodic inspection of the electrical installation shall be undertaken in accordance with BS 7671 at intervals of no more than 5 years.

2.2 A periodic inspection report in the format recommended in Appendix 6 of BS 7671 shall - at any time during the period of the licence - be submitted to the Council, upon demand by an authorised officer.

2.3 This report shall be issued 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.

3. The licence holder shall ensure that at all times, gardens, yards and other areas within the curtilage of the house are kept in a reasonably clean and tidy condition and free from rodent infestation.

4. 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.

5. The licence holder shall at all times comply with relevant landlord and tenant legislation.

6. The licence holder shall maintain the exterior of the property in reasonable decorative order and in reasonable repair.

7. The licence holder shall make suitable and adequate provision for refuse storage and collection at the house. This shall include.....

*8. The escape lighting in the property shall be inspected, tested and serviced in accordance with clause 12 of BS 5266 – 1: 1999. 8.1 Throughout the period of the license, periodic and test certificates in the format recommended by BS 5266 – part 1:1999 (Annex C) [shall be submitted to the Council within 1 month of each check] [shall be submitted to the Council upon demand by an authorised officer of the Council].

8.2 The above mentioned checks shall be carried out by a competent person. (NICEIC, ECA or BFPSA contractors who are familiar with all British Standards relating to emergency escape lighting systems are normally acceptable in this respect. Other contractors will be asked to demonstrate their competence to the Council before acceptance of the certificates.)

*9. The licence holder shall comply with the (following) (attached) schedule of (restrictions) (and/or) (prohibitions) on the use or occupation of the house (and/or) (particular parts of the house) by persons occupying it;

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

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;

11. Note: Conditions under 2(c) - 2(f) in the box above to be applied and phrased as necessary dependant on circumstances.