

**WARWICK DISTRICT COUNCIL
HOUSING ACT 2004
HMO LICENCE CONDITIONS**

1. Licence holder

- 1.1 The licence holder must inform Warwick District Council ('the Council') if they no longer reside at the address given and provide the Council with new address details within 21 days.
- 1.2 The licence holder must inform the Council if there is a change in managing agent, within 21 days.
- 1.3 If the licence holder is a managing agent they must inform 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.
- 1.4 If the licence holder is a managing agent they must inform the Council if they cease to have an interest in the property, within 21 days.
- 1.5 The licence holder must inform the Council by telephone within 72 hours of becoming aware of the occurrence of a fire within the HMO.
- 1.6 The licence holder must on request provide a written statement to the Council setting out the names of persons occupying the property together with the rooms which they occupy.
- 1.7 The licence holder must advise the Council in advance of making any material changes to the layout, amenity provision, fire precautions or mode of occupation of the house.
- 1.8 The licence holder must supply to the Council, on demand, a plan/layout of the property.
- 1.9 The licence holder must on request provide copies of up to date certification* for the gas and mains wiring installation, portable electrical appliances, fire alarm system, emergency lighting system, fire extinguishers, if installed within the HMO, all of which to have been obtained within the last 12 months of the request, except for the electrical installation which may have been obtained within the last 5 years of the request. Licence holders should note that requests for such certification may be made at any time throughout the period of the licence.

* Such certification will only be accepted as such if it has been issued by a competent person, who is able to effectively demonstrate their competence through qualification or otherwise.

2. Fit and proper person

- 2.1 The licence holder must inform the Council if since becoming the licence holder they contravene any of sections 2.3(a) – (d) below. This must be done within 21 days of such a contravention.
- 2.2 The licence holder must inform the Council if the person managing the property contravenes any of sections 2.3(a) – (d) below. This must be done within 21 days of such a contravention.
- 2.3 The following criteria are considered in the assessment of whether the licence holder or manager is a fit and proper person:-
 - a) Offences involving:-
 - Fraud
 - Dishonesty
 - Violence
 - Drugs
 - Sexual Offences Act (Schedule 3)
 - b) Unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in connection with a business.
 - c) Contravention of any provision of housing or landlord and tenant law. In particular:-
 - Cases where proceedings are taken by any Local Authority
 - Cases where any Local Authority has carried out works in default
 - Cases where a Management Order under Housing Act 2004 has been made
 - Cases where an HMO licence has been refused or licence conditions have been breached.
 - d) Acting in contravention of any Approved Code of Practice (ACoP) concerning housing law.

3. Property details

Bathrooms / Toilets / Washing Facilities

- 3.1 A bath or shower with hot and cold water supplies and waste drainage must be provided in a suitable room, not more than one floor distant from any user, so that there is one bath or shower to not more than 5 persons. Persons with en-suite facilities will be disregarded from the calculation.
- 3.2 Each bath or shower room must have adequate ventilation, electric lighting and fixed heating.
- 3.3 Each bath or shower room must have a smooth impervious floor covering and sufficient splashback tiling or equivalent to each bath or shower.
- 3.4 Each bath or shower room must be of adequate size and layout, and facilities must be fit for the purpose.

- 3.5 A toilet in a proper compartment (not part of the bathroom unless there are bath/shower rooms in excess of one to not more than 5 persons) must be provided not more than one floor distance from any user, so that there is one toilet to not more than 5 persons. Persons with en-suite facilities will be disregarded from the calculation. Where 4 or fewer persons share a toilet, the toilet may be located within the bath or shower room. Outside toilets are disregarded for the purposes of this standard.
- 3.6 Each toilet must have adequate ventilation and artificial lighting, and a smooth impervious floor covering.
- 3.7 Each toilet should be provided with a wash hand basin with hot and cold water supplies, adequate drainage and splash back tiling.
- 3.8 Each toilet must be of adequate size and layout, and facilities must be fit for the purpose.
- 3.9 Each letting bedroom or bedsitting room shall be fitted with a wash hand basin (except where a sink unit is installed) provided with appropriate splash back tiling, hot and cold water supplies and adequate waste drainage.

Kitchens

- 3.10 Where kitchen facilities are provided within bedrooms or bedsitting rooms they must have the following:
 - a suitable size sink and draining board with constant supplies of hot and cold (drinking) water with tiled or other impervious splashback.
 - a fixed impervious worktop measuring not less than 1.0m x 0.6m , with tiled or other impervious splashback.
 - a dry food storage cupboard of 0.18 cubic metres (6.4 cubic feet) wall/base unit (sink units are discounted)
 - storage cupboard/drawer for crockery & utensil storage
 - a refrigerator (minimum gross capacity 66 litres or 2.3 cubic feet)
 - a 4 ring cooker with oven and grill (2 rings for single use), except a microwave oven may be substituted for 2 rings.
 - a minimum of two 13amp electric sockets in the food preparation area adjacent to the worktop.
- 3.11 The kitchen area must have adequate space, suitable layout, ventilation, artificial lighting, and a suitable and impervious floor covering. Kitchens must be arranged to allow safe access and easy use. All facilities must be fit for the purpose.
- 3.12 Where kitchens are shared they should not be more than one floor distant from any user (unless an adjacent dining area is provided), and be provided with the following facilities for every 6 persons:-
 - a suitable size sink and draining board with constant supplies of hot and cold (drinking) water with tiled or other impervious splashback.
 - a fixed impervious worktop, not less than 1.5m x 0.6m with tiled or other impervious splashback.
 - dry food storage cupboards of 0.18 cubic metres (6.4 cubic feet) per person wall/base unit or larder (sink units are discounted)
 - refrigerator (minimum gross capacity 150 litres or 5.3 cubic feet)

- freezer (minimum gross capacity 120 litres or 4.2 cubic feet)
- 4 ring cooker with oven and grill.
- a minimum of four 13amp electric sockets in the food preparation area adjacent to the worktop, in addition to those provided for major appliances (fridge, microwave, washing machine etc.)
- suitable and sufficient refuse disposal facilities
- a suitable fire blanket and Carbon monoxide type fire extinguisher

3.13 Kitchens must have sufficient space for the number of persons sharing them, and facilities must be fit for the purpose. Kitchens must be arranged to allow safe access and easy use.

3.14 The kitchen area must have adequate extract ventilation, artificial lighting, and a suitable impervious floor covering.

Heating, Lighting and Ventilation

3.15 Space and water heating should be controllable by the occupiers. It must be safely and properly installed and maintained and be appropriate to the design, layout and construction, such that the whole of the HMO can be adequately and efficiently heated. The space heating may be centrally controlled but such systems should be managed to ensure that occupiers are not exposed to cold indoor temperatures and should be provided with controls to allow them to regulate the temperature within their sitting rooms and bedrooms.

3.16 Adequate written instructions must be made available to occupiers to ensure they can be acquainted with the safe operation of space and water heating equipment. This should include boilers, gas fires, immersion heaters and thermostats.

3.17 Each bedroom, sitting room, dining room and bath/shower room must be equipped with adequate means of fixed space heating.

3.18 Each bedroom, sitting room and dining room must be provided with adequate natural and artificial lighting. Generally, this should be window(s) having a glazed area of not less than 10% of the room's floor area and suitable electric light point(s). Additional requirements may be imposed in respect of underground (basement) rooms.

3.19 Each bedroom, sitting room and dining room must be provided with adequate natural ventilation. Generally, this should be window(s) having an opening area of not less than 5% of the room's floor area.

3.20 All halls, stairs, landings and external steps must be provided with adequate artificial lighting.

Thermal insulation

- 3.21 Each loft space must be fully insulated with a minimum 250mm (10") of insulating material.
- 3.22 All external doors and windows to be suitably draught proofed.
- 3.23 All hot water cylinders must be suitably lagged with an appropriate insulating jacket or factory fitted insulating material.
- 3.24 All water tanks and pipework liable to freezing must be suitably lagged.

4. Management of the property

Fire Precautions

- 4.1 Smoke alarms that are installed in the HMO must be kept in proper working order. The licence holder must supply to the Council, on demand, a declaration as to the condition and positioning of such alarms.
- 4.2 All structural means of escape from fire must be maintained in good order and repair and kept free from obstruction. This includes staircases, passageways, corridors, halls, lobbies and entrances (including entrance doors, porches, steps, gardens and yards).
- 4.3 The integrity of all floors, walls, ceilings and doors shall be maintained to give the necessary fire resistance required.
- 4.4 Fire resisting doors shall be maintained with three 4 inch steel hinges, and where appropriate smoke and heat activated seals and self-closing devices.
- 4.5 The fire alarm system, smoke and heat detectors, sounders, call points and control panels must be maintained in good order and checked at intervals of not more than 12 months by a suitably qualified electrician in accordance with BS5839-1:2002 and BS5839-6:2004 as appropriate.
- 4.6 Any emergency lighting system must be maintained in good order and checked at intervals of not more than 12 months by a suitably qualified electrician in accordance with BS5266-1:2005
- 4.7 Any fire fighting equipment must be maintained in good order and checked at intervals of not more than 12 months by a suitably qualified service engineer in accordance with BS5306-3:2003.
- 4.8 The licence holder or manager shall bring to the attention of each resident at the beginning of their occupation of the HMO information regarding any fire precautions installed in the HMO and instructions for escape in the event of a fire.
- 4.9 The licence holder must keep furniture (supplied by him to the occupier) in a safe and reasonable condition and supply to the Council, on demand, a declaration by him as to the safety of such furniture, to confirm compliance with the Furniture and Furnishings (Fire) (Safety) Regulations 1988

Gas Installation and Appliances

- 4.10 The licence holder where gas is supplied to the HMO, must supply to the Council, on demand, a copy of a gas safety certificate obtained in respect of the HMO within the last 12 months and covering each appliance supplied by the landlord. The certificate must be issued by a member of the Council of Registered Gas Installers (CORGI) who is competent to examine gas appliances. A copy of this certificate must be either displayed in a suitable location within the property or given to the occupiers.
- 4.11 The licence holder shall ensure that liquefied petroleum gas (LPG) is not used or stored on the premises, and take suitable steps to prevent occupiers from so doing.

Electrical Installation and Appliances

- 4.12 The licence holder must keep all electrical appliances (supplied by him to the occupier) in a safe condition and supply to the Council, on demand, a PAT (portable appliance test) Certificate issued by a competent person. A copy of this must be either displayed in a suitable location within the property or given to the occupiers.
- 4.13 The licence holder must supply to the Council, on demand, a copy of a periodical inspection report for the mains wiring installation, carried out by a competent electrician within the last 5 years in accordance with BS7671:2001. A copy of this must be either displayed in a suitable location within the property or given to the occupiers.
- 4.14 The licence holder must undertake a full visual examination of the electric wiring installation and portable electric appliances at the end of the occupier's tenancy or licence period. Any defects identified must be suitably remedied by a competent person.

Supply of Services

- 4.15 The licence holder must not unreasonably cause or permit the supply of gas, electricity, water, or drainage that is used by any occupier to be interrupted.

Security

- 4.16 The licence holder must ensure that external doors and ground floor/basement and other easily accessible windows are fitted with suitable locks. External doors forming the means of escape route in case of fire must be fitted with locks which do not necessitate the use of a key to escape from the inside. Occupiers must be provided with sufficient keys to operate all door and window locks.

Anti-Social Behaviour

- 4.17 The licence holder must ensure that such steps as are reasonably practical are taken so that the HMO is managed in such a way as to seek to prevent or deal effectively with any anti-social behaviour by occupiers or their visitors within the HMO. This includes noise nuisance caused by the playing of loud music at any time of the day but particularly between 23.00 and 8.00.

Repair and Maintenance Etc.

Common Parts, Fixtures, Fittings and Appliances

4.18 The licence holder/manager must ensure that all common parts of the HMO are-

- a) maintained in good and clean repair (including where appropriate decorative repair).
- b) maintained in a safe working condition, and
- c) kept reasonably clear from obstruction

4.19 In particular:-

- a) all handrails and banisters to be kept in good repair
- b) such additional handrails or banisters required for the safety of the occupiers must be provided
- c) any stair coverings must be safely fixed and in good repair
- d) all windows and other means of ventilation within the common parts must be kept in good repair
- e) common parts must be fitted and maintained with adequate light fittings, including bulbs
- f) fixtures, fittings and appliances (including sanitary conveniences, baths/showers, sinks, wash hand basins, laundry facilities and installations for cooking or storing food) used in common by 2 or more households must be maintained in good and safe repair and in clean working order (otherwise than those which the occupier is entitled to remove, or are outside the control of the manager).
- g) outbuildings, yards and forecourts must be maintained in repair, clean condition and good order.
- h) any garden must be kept in a safe and tidy condition
- i) boundary walls, fences, gates and railings must be maintained in good and safe repair so as not to constitute a hazard to occupiers or visitors.

Living Accommodation

4.20 The licence holder/manager must ensure that each unit of living accommodation and any furniture supplied by him to the occupier are in clean condition at the beginning of a person's occupation of it.

4.21 The licence holder/manager must ensure that the internal structure including windows and other means of ventilation, fixtures, fittings and appliances supplied by him to the occupier, are maintained in good repair and in clean working order. This requirement is enforceable so far as the occupier acts in a tenant-like manner. i.e. where he treats the property in accordance with the covenants or conditions contained in his lease or licence or otherwise conducts himself as a reasonable tenant or licensee would do.

Water Supply and Drainage

4.22 The water supply and drainage system must be maintained in good order. Any tank cistern or similar receptacle for water storage must be kept in a good, clean and working condition and the water supply must be potable, of

sufficient pressure and suitably protected from contamination. Water fittings and pipes liable to frost damage must be suitably protected.

Overcrowding and Privacy

- 4.23 Bedrooms, sitting rooms and bed sitting rooms must be of an adequate floor area for the number of occupants in accordance with the following:-

Single bedroom	6.5m ² . (70 sq.ft.)
Single bedroom with cooking facilities	10 m ² . (108 sq.ft.)
Single bed sitting room	10 m ² . (108 sq.ft.)
Single bed sitting room with cooking facilities	13 m ² . (140 sq.ft.)
Double bedroom	11 m ² . (118 sq.ft.)
Double bedroom with cooking facilities	15 m ² . (161 sq.ft.)
Double bed sitting room	15 m ² . (161 sq.ft.)
Double bed sitting room with cooking facilities	20 m ² . (215 sq.ft.)

Note 1: Where ceiling height is less than 1.52m (5ft) e.g. in an attic room, the corresponding floor area will be disregarded.

Note 2: Babies less than 12 months old are discounted for the purposes of the space standards set out above.

Note 3: Communal sitting rooms will be expected to have a floor area based upon 1.9 sq.m.(20.5 sq.ft) per person. There is no specific requirement for a separate dining area, however, if the communal room is a combined kitchen/sitting/dining room, consideration will be given to the proportion of practicable useable space.

Note 4: Where there is judged to be inadequate communal space for sitting/dining purposes, sleeping rooms will be regarded as bedsitting rooms and the appropriate space standards will be applied.

- 4.24 No persons over the age of twelve years and of opposite sexes shall be allowed to sleep in the same room unless they are living as husband and wife or co-habitees.
- 4.25 The number of persons residing in the HMO shall not exceed the maximum stated in the licence. The use and occupancy levels must not be varied except by approval of the Council, and may be subject to a variation fee. The licence holder is responsible for applying for an increase in the maximum occupancy level set within the licence.
- 4.26 No communal room must have its only form of access through a bedroom.
- 4.27 Reasonable sound and fire insulation must be afforded between bedrooms and between bedrooms and living rooms. Glazing and doors providing secondary access must be suitably insulated or replaced with plastered studwork where appropriate.

Waste Storage & Disposal

- 4.28 The licence holder/manager must ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each

person or household occupying the HMO for the storage of refuse and litter pending disposal.

- 4.29 The licence holder/manager must make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, either in default of previous/existing occupants or otherwise, having regard to any service for such disposal provided by the Council.
- 4.30 The licence holder/manager shall ensure that refuse and litter are not allowed to accumulate in the HMO except where properly stored pending disposal. In HMO's where no external provision for storage of refuse is made, he shall ensure that satisfactory internal storage is provided, without compromising the means of escape in case of fire.

Information for Occupiers

- 4.31 The licence holder must ensure that his name, address and telephone number or that of his manager is conspicuously displayed in the common parts.
- 4.32 The licence holder must ensure that a copy of the licence is conspicuously displayed in the common parts.
- 4.33 The licence holder must ensure that occupiers are given clear advice on what action is to be taken in the event of an emergency and that occupiers are provided with contact details for emergencies.
- 4.34 The licence holder must supply to the occupiers a written statement of the terms in which they occupy the HMO upon commencement of occupation. E.g. a tenancy agreement or licence to occupy. A copy of such a statement shall be available on request to the Council.
- 4.35 The licence holder shall maintain comprehensive buildings insurance and property owners' liability insurance in accordance with any approved standards, and shall advise his tenants of their responsibility to insure their own possessions.
- 4.36 The licence holder shall provide occupiers with a copy of any instruction manuals necessary to enable them to operate central heating boilers, cookers and gas fires.
- 4.37 Except in emergency, the licence holder/manager must give 48 hours written notice of his intention to enter the HMO to the occupiers and be able to demonstrate that he has reasonable cause for so doing.

Training courses

- 4.38 The licence holder or manager must if so required by the Council, attend any appropriate training course or otherwise demonstrate competence in relation to any applicable Code of Practice under Section 233 Housing Act 2004. #