



## Licence Conditions Schedule 1

Re: **Address, xxxx**

Ref No: **XXXXXXXXHMO**

Any failure to comply with these conditions may render the Licence Holder liable to prosecution and an unlimited fine upon conviction or a financial penalty of up to £30,000 as an alternative to prosecution. Under the Housing Act 2004, Section 70(2)(a), the licence may also be revoked.

Further information is provided in the 'guidance and notes' section about the licence conditions.

### 1. Occupation – Number of Occupiers

- 1.1 The maximum number of households allowed to occupy the property is **X**, and the maximum number of persons allowed to occupy the property is **X**.

Floor	Location	Room No	Sleeping for (no. of persons)	Number of households
Ground	Rear Left	1	1	1
<b>Total</b>			<b>X</b>	<b>X</b>

Note: the terms "left" and "right" are assigned facing the house from the front elevation

Room 'x' indicated above as permitted for occupancy by 'x' persons is below the minimum permitted size as defined in regulation 2 of The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 and is therefore permitted for that use only during the period of the current tenancy by NAME or for a maximum of twelve months from the date of issue of the licence, whichever is the shortest.

Where any room is indicated with a permitted occupancy of 0, due to either inadequate size of the room or insufficiency of amenities, arrangements must be made by the licence holder to ensure that those rooms are not used for sleeping either with or without the licence holder's knowledge or agreement. The nature of those arrangements must be notified in writing to the Council within twenty-eight days of the date of issue of the licence.

## **NOTE**

The permitted numbers above have been deemed acceptable despite some room sizes being lower than the Council's guidelines, having taken into consideration the overall occupancy and provision of amenities.

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

- 1.2 There shall be no obligatory sharing.
- 1.3 A list of all occupants is to be provided to an authorised officer of the Council, on demand.
- 1.4 A reference to a number of persons using a room in the HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO.
- 1.5 A household is either a single person or members of the same family who live together. A family includes people who are married or co-habiting, relatives or half-relatives, step-parents and step-children.

## **1.4 Minimum Room Sizes**

1.4.1 The licence holder of the licensed HMO is required at all times: -

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

1.4.2 The licence holder of the licensed HMO is required at all times: -

- e) to ensure 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;
- f) to ensure 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;
- g) to ensure any room in the HMO used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, is not used as such by

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Licence and/or prosecution or imposition of financial penalties***

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.

- 1.4.3 The licence holder is required to notify the local housing authority of any room in the HMO with a floor area of less than 4.64 square metres
- 1.4.4 For the purposes of this licence a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes.
- 1.4.5 Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this licence.

## **2 Gas Safety and carbon monoxide**

- 2.1 If gas is supplied to the house, the licence holder shall ensure that the Gas Safety (Installation and Use) Regulations 1998, or any Regulations which subsequently replace these, are complied with.
- 2.2 In particular the licence holder shall ensure that an annual safety check is carried out by a Gas Safe registered engineer on each gas appliance/flue in the house.
- 2.3 The licence holder shall supply to an authorised officer of the Council on demand a copy of the current, valid certificate.
- 2.4 A copy of the current, valid certificate must be clearly displayed in a prominent position within the communal parts of the property.
- 2.5 The licence holder is to ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel combustion appliance. A 'room' includes a hall or landing and 'living accommodation' includes a bathroom or toilet.
- 2.6 The licence holder must keep all alarms in proper working order and supply the Council upon demand, with a declaration as to the condition and positioning of any such alarm.

## **3 Smoke Alarms / Fire Detection Systems**

- 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.

- 3.2 The licence holder must keep all alarms in proper working order and supply the Council upon demand, with a declaration by him or her as to the condition and positioning of any such alarm.
- 3.3 The licence holder must ensure that the fire alarm system is tested at least annually and submit to the Council upon demand a certificate/declaration to confirm the fire alarm system in the property has been tested and maintained in accordance with the provisions of British Standard BS 5839-6:2019. The certificate/declaration must be not more than one year old.
- 3.4 If the property has a 'Grade A' fire alarm system (typically larger alarm systems with a control panel) the licence holder must ensure that the system is tested weekly, and inspected and serviced at periods not exceeding six months by a suitably qualified and competent person. An inspection and servicing certificate in accordance with BS 5839 – 1:2019 must be obtained biannually and sent to the Council upon demand.
- 3.5 If the property has a 'Grade D1/D2' fire alarm system, the licence holder must ensure that all alarms are tested monthly and maintained in accordance with the manufacturer's instructions. A self-declaration or an inspection/servicing certificate is acceptable for Grade D systems and is to be sent to the Council upon demand.
- 3.6 A competent person is a person who is familiar with all British Standards relating to automatic detection systems and is registered with one of the bodies approved by the Government's Competent Persons Scheme.

#### **4 Emergency Escape Lighting**

- 4.1 The licence holder shall ensure that where emergency lighting is installed it is inspected, tested and serviced in accordance with BS 5266.
- 4.2 Throughout the period of the licence, the emergency lighting installation must be inspected and serviced by a competent person at least annually and a certificate provided in the format recommended by BS 5266. The certificate must be sent to the Council upon demand.
- 4.3 The above-mentioned checks shall be carried out by a competent person who is familiar with all British Standards relating to emergency escape lighting systems, who regularly inspects emergency escape lighting systems, who is qualified to inspect emergency escape lighting systems and is registered with one of the bodies approved by the Government's Competent Persons Scheme.

#### **4.4 Fire Risk assessment**

- 4.4.1 The licence holder must ensure that a suitable and sufficient fire risk assessment which meets all the requirements of the Regulatory Reform (Fire

Safety) Order 2005 has been undertaken before the property is let. This must be reviewed regularly.

4.4.2 A copy of the fire risk assessment must be provided to the Council on demand.

## **5 Safety of Electrical Installations**

5.1 The licence holder shall ensure that the electrical installation in the house is at all times kept safe and in proper working order.

5.2 The licence holder shall ensure that periodic inspection and testing of the electrical installation in the house is undertaken in accordance with BS 7671, or any superseding British Standard, at intervals of no more than five years or lesser period if indicated on the previous periodic inspection report.

5.3 The licence holder shall supply to an authorised officer of the Council, on demand, the latest electrical installation condition report (EICR) in the format recommended in BS 7671. This report must be a periodic condition report – a visual condition report is not sufficient.

5.4 The licence holder shall ensure that this report is issued by a competent person who regularly inspects domestic electrical installation systems, who is qualified to inspect domestic electrical installation systems and is registered with one of the bodies approved by the Government's Competent Persons Scheme.

## **6 Safety of Electrical Appliances**

6.1 The licence holder shall ensure that electrical appliances made available in the house by them are kept in a safe condition and proper working order at all times.

6.2 The licence holder shall ensure that all electrical appliances made available in the house by them are inspected visually for defects, such as frayed wiring, badly fitting plugs, at the beginning of each occupancy, regularly thereafter and as a minimum every two years.

6.3 The licence holder shall ensure that earthed equipment (class 1) such as kettles and irons and the associated leads and plugs made available by them, are 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, such as a competent electrician or competent other person in possession of a City and Guilds Certificate 2377.

6.4 The licence holder shall ensure that as soon as any electrical appliance is identified as being unsafe, it shall be removed from the house immediately.

- 6.5 The licence holder shall ensure that a record of visual inspections and tests is maintained.
- 6.6 The licence holder shall submit to an authorised officer of the Council on demand, the record of visual inspections and tests within 14 days.

## **7 Furniture and Furnishings (Fire Safety)**

- 7.1 The licence holder shall ensure that the Furniture and Furnishings (Fire Safety) Regulations 1988, or any superseding Regulations, in respect of any upholstered furniture supplied by them, including chairs, sofas, children's furniture, beds, upholstered head boards, mattresses, scatter cushions, seat pads, pillows and upholstered garden furniture are complied with.
- 7.2 The licence holder shall ensure that the furniture made available by them is kept in a safe condition at all times.
- 7.3 The licence holder shall supply to an authorised officer of the Council on demand, a declaration as to the safety of such furniture.

## **8. Tenancy management**

- 8.1 The licence holder shall supply to the occupiers a written statement of the terms on which they occupy the property. This must be provided at the start of the tenancy.
- 8.2 The licence holder shall supply to the Council upon demand, a copy of the written statement.
- 8.3 The licence holder and /or their nominated representative must be a permanent UK resident.
- 8.4 From the outset of the licence term, the licence holder is required to provide an alternative suitable emergency contact and other management arrangements in the event of their temporary/short term absence. Details of the temporary contact arrangements must be provided in writing to all tenants and to the Council.
- 8.5 The temporary cover arrangements must comply with the fit and proper person requirements as stated in the licence conditions and Section 66 and/or 89 of the Housing Act 2004.
- 8.6 The licence holder must ensure that all tenants have the right to reside in the UK and must undertake all necessary 'Right to Rent' checks in accordance with the Immigration Act 2014 and National Guidance.
- 8.7 Each tenant must be provided with a copy of the "How to Rent Guide" and associated documentation referred to therein which is applicable to each specific

rental agreement. Evidence must be supplied to the local housing authority on demand to confirm that the "How to Rent Guide" has been provided to each tenant at the start of their tenancy.

- 8.8 Unless a tenant pays rent via direct debit or similar bank transfer, the tenant must be supplied with a receipt upon payment of rent which details the amount paid, the date of payment and the recipient of the payment, whether this is the manager, licence holder, agent or other relevant party. The receipt must be provided at the time the payment is made and retained for production to the Council upon request.

## **9. Changes to the Licensed Property and/or Licence Holder**

- 9.1 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 form or conditions attached to the licence. 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.
- 9.2 The Licence Holder must inform the Council if they no longer reside at the address given in their licence application and must provide the Council with their new address within 21 days.
- 9.3 The Licence Holder must inform the Council if there is a change in managing agent, within 21 days of such a change.
- 9.4 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 must inform the Council of a new contact, within 21 days of such a change.
- 9.5 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 of such a change.
- 9.6 Where the property is sold and the owner is the licence holder, the licence holder must inform the Council and must request that the HMO licence is revoked. Licences cannot be transferred.

## **10. Fit and Proper Person**

- 10.1 The Licence Holder must inform the Authority if since becoming the Licence Holder he or she contravenes any of the sections 9.3 (a)-(d). This must be done within 21 days of such a contravention.

- 10.2 The Licence Holder must inform the Authority if the person managing the property contravenes any of the sections 10.3 (a to d) below within 21 days of such contravention taking place.
- 10.3 a. Committed an offence involving:
- Fraud
  - Dishonesty
  - Violence
  - Drugs
  - Any offence listed in Schedule 3 to the Sexual Offences Act 2003
- 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 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 have previously been refused a licence or breached conditions of a licence
- d. Acted in contravention of any Approved Code of Practice (AcoP).

## 11. **Waste disposal and refuse**

- 11.1 Suitable and adequate provision must be made for the storage and collection of refuse and waste generated from the property. Only designated receptacles for waste and recycling which are provided by the approved waste carrier can be used. Where waste levels indicate that the existing provision of receptacles is inadequate for the current number of occupiers at the property, the licence holder, and / or their representative, must obtain additional waste receptacles at their own expense and ensure that collections of the waste are undertaken from the property.
- 11.2 At the beginning of each new tenancy the licence holder will inform tenants in writing of proper refuse management. This must include information covering the usual days of refuse and recycling collection, contact details for refuse / bulky item collections undertaken by Borough of Telford and Wrekin or other waste collection services. The licence holder must retain a copy of the information provided to each tenant, signed by the tenant acknowledging receipt and must produce this upon request to the local housing authority.



- 11.3 The licence holder must ensure that the waste receptacles are ready for collection at the stated time and place and are brought back into the refuse storage area following collection.
- 11.4 The licence holder must ensure that at the end of each tenancy, any rubbish or unwanted household goods left behind are removed and disposed of appropriately before the start of the next tenancy. In particular any rubbish or goods left at the front or back garden or the pavement in front of the property should be removed.
- 11.5 The licence holder, is responsible for ensuring that the property including all gardens, yards, external areas including storage areas are kept clean, free from accumulations of waste, rubbish, fly-tipping and pest infestations. The licence holder must arrange, undertake and pay for any clearance, treatment, baiting or other necessary works to comply with this.
- 11.6 Where waste items are removed from the property, other than through kerb side collections by the local waste authority, the licence holder must ensure that the waste is disposed of in accordance with current legal requirements.
- 11.7 All tenants, must be able to access, at all times, all external areas of the property including the front and rear garden, yard areas, external refuse storage areas and any other area within the curtilage of the property boundary. There must be ground floor access to all aforementioned areas from the inside of the property. It will not be permitted for such access to be granted through a room occupied exclusively by another tenant.

## **12. Harassment and Illegal Eviction**

- 12.1 The licence holder must ensure that any evictions are carried out under the provisions of the current legislation.
- 12.2 The licence holder must follow the correct legal process to gain possession of a dwelling, serve the correct eviction notice and must not commit or cause or permit a third party to commit 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 in order to live in the premises as a home.
- 12.3 If in doubt, the licence holder should seek independent legal advice.

## **13. Managing Anti-Social Behaviour**

- 13.1 The licence holder must take reasonable and practicable steps to prevent or reduce anti-social behaviour and prevent the use of the premises for illegal

purposes by any persons occupying or visiting the premises. The following steps must be implemented as a minimum control measure in this regard:-

- a. Co-operate with Telford and Wrekin Council, West Mercia Police and other agencies and organisations in resolving complaints of anti-social behaviour and / or illegal activity. The licence holder, will be required to undertake an investigation of any complaints regarding their tenants and any problems occurring within the curtilage or within close proximity to the curtilage of the licensed property. Written records of these investigations must be undertaken and provided to Telford and Wrekin Council upon request.
- b. The licence holder must undertake checks of the communal areas, communal rooms and external areas within the boundary of the property, at least weekly, to ensure that the property is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions. Written records must be maintained of these checks with details of any action taken recorded and remedial works completed satisfactorily.
- c. The licence holder must ensure that each tenant is made aware that they are responsible for their own behaviour and the behaviour of their visitors. Tenants must be made aware that if they, other occupiers, or their visitors:-
  - i. Cause nuisance or annoyance to neighbours; or
  - ii. Use abusive or threatening language or behaviour to neighbours; or
  - iii. Fail to store or dispose of refuse properly; or
  - iv. Cause damage to fixtures, fittings, fire prevention or alarm equipment or installations, or
  - v. Cause damage to the fabric of the premises; or
  - vi. Fail to give access to the landlord or his agent for the purpose of maintaining communal areas or, upon reasonable notice, to inspect or undertake works within their accommodation,

they will be liable to enforcement action which may include possession proceedings either under the terms of the tenancy, pursuant to s.21 of the Housing Act 1988 or pursuant to Grounds 13 or 14 of Schedule 2 to the Housing Act 1988.

#### **14. Public Liability Insurance Cover**

- 14.1 The licence holder must maintain their own Public Liability Insurance, of at least £2,000,000, to cover injury to or damage caused by a tenant or visitor. ? Is this what you meant?
- 14.2 The licence holder shall supply to an authorised officer of the Council on demand a copy of the Certificate of Public Liability Insurance.

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

## **15. General Public Health and Environmental Housing Standards**

- 15.1 The licence holder must ensure the means of escape / protected route is kept clear of obstructions and all fire doors are kept in good working order.
- 15.2 The licence holder must inform tenants at the start of each tenancy that smoking is not permitted to take place in the communal and circulation areas of the premises by any person. They must install appropriate signage. If evidence of smoking in the communal and circulation areas is found during inspections of the property, action must be taken by the licence holder.
- 15.3 This licence has been granted based on the property layout and use of rooms as detailed on the plan attached to the licence. The layout, structure, provision of amenities, use and size of rooms must not be altered without prior consultation and written approval of the local housing authority. Room numbers / letters for identification purposes as contained on the floor plan must also remain in place for the duration of the licence period.
- 15.4 The licence holder must not allow the property to become overcrowded. This means that the maximum permitted occupancy of each bedroom, stipulated on the licence, must be complied with at all times. Where a room is deemed suitable for 2 people, this is based upon the room being occupied by a co-habiting couple only. Rooms other than bedrooms are not to be used for sleeping purposes.
- 15.5 The licence holder must make suitable arrangements for the cleaning of all common parts, communal areas and shared facilities on a regular basis. This must be organised, managed and paid for by the licence holder.
- 15.6 Prior to re-letting individual bedrooms / bedsits / the whole property, the licence holder must make suitable arrangements for the property to be cleansed and returned to an acceptable standard of decorative repair. ? I'm not sure what this should say? to be undertaken to the room / bedsit / whole property and ensure that all facilities and furniture are in clean, working order. This must be organised, managed and paid for by the licence holder.
- 15.7 Where previous tenants have not surrendered keys, the licence holder will arrange for a barrel change to be undertaken to the locking mechanism prior to new tenants moving in, ensuring that all current tenants are provided with a new key for all changed barrels. The barrel changes must also include any communal entrance doors to the property.
- 15.8 The licence holder must notify the local housing authority, of any fires or incidents at the property which involve the Police or Fire and Rescue Service within 24 hours of becoming aware of the incident occurring, or the next working day, i.e. Monday morning if the event occurred on a Friday / Saturday / Sunday.
- 15.9 The licence holder must ensure that a Legionella Risk Assessment is undertaken for the premises and is reviewed annually. A copy of the risk assessment must be provided to the local housing authority upon demand.

- 15.10 The Licence holder must ensure that appropriate information is given to each tenant at the beginning of their occupancy, regarding all fire precautions and equipment provided in the premises.
- This must include, but is not limited to, a simple understanding of how the alarm system operates, the importance of the fire doors in containing fire, protecting the escape route and the importance of keeping the escape route free of obstructions and the use of any fire-fighting equipment that has been provided.
- 15.11 A written record must be kept of such training including the date the information was provided, what was discussed and with whom these discussions were had.
- 15.12 The operation of the emergency lighting, automatic fire detection system and any other communal facility, communal appliance and communal lighting must be powered from the landlord's supply of electricity which is not permitted to be on a pre-payment top up meter.
- 15.13 The operation of the gas supply to the property must not be unreasonably interrupted, as such the communal boiler must be on the landlord's supply of gas which is not permitted to be on a pre-payment top up meter.
- 15.14 The licence holder must ensure that there is a fire blanket which conforms to the current British Standard, located in all rooms where there are cooking appliances. The fire blanket must be fixed to the wall at an exit door away from the cooking facility at approximately 1.5m high.
- 15.15 The provision of whole house space heating in the property shall be capable of achieving a constant temperature of at least 18°C when the external temperature is -1°C. Electric convector heaters will not be acceptable as the main form of whole house heating system in any circumstances.
- 15.16 Radiators in habitable rooms (bedrooms and communal rooms) must be fitted with thermostatic radiator valves.
- 15.17 Hot water must be available upon demand in sufficient volume for the number of occupiers and potential users, for bathing, domestic purposes and personal hygiene use.
- 15.18 There must be enough electric sockets for the number of portable appliances likely to be used within the property, in order to minimise the use of multi-socket adapters. This must be no fewer than 2 double gang electric sockets in all bedrooms and no fewer than 4 double gang electric sockets in the communal kitchen which are in addition to the following household appliances which must have their own dedicated electric socket:- washing machine, dish washer, microwave(s), tumble drier, fridge(s), freezer(s). All sockets must be appropriately sited to ensure ease of use.
- 15.19 All habitable rooms, including those in basements, must be fitted with an openable window which provides adequate and suitable ventilation in accordance with current Building Regulations. It is not permitted for habitable rooms to only be equipped with a door as the sole means of natural ventilation.

- 15.20 All ground floor, basement windows, low level windows & readily accessible roof lights must have suitable window locks and must be fully secured to prevent unauthorised access from the outside. Keys for all windows must be available to tenants to permit intended use.
- 15.21 Where a ground floor bedroom is located off a high risk room, such as a kitchen, lounge, dining room or other communal room which is not directly accessible to the communal escape route, the room must be fitted with an escape window or a door to allow access directly to the outside. There must be a clear and unobstructed escape route from the external area to a point of safety away from the property.
- 15.22 The exterior of the property must be maintained in a reasonable decorative condition and state of repair.