

Licence conditions for houses in multiple occupation (HMO)

*** Indicates a statutory condition as prescribed by the Housing Act 2004**

Appendix B

A. Bedroom Sizes & Occupation

1. The licence holder shall notify the council of any bedroom in the HMO with a floor area of less than 4.64 square meters. The maximum occupancy limit per bedroom shall be as follows; in accordance with the Council's adopted Guidance Standards for Licensable Houses in Multiple Occupation:*

Basement or Lower Ground Floor

Front Bedroom (room #): One household comprising # people

Rear Bedroom (room #) One household comprising # person (under 10)

[Add as required]

Ground Floor

Front Bedroom (room #): One household comprising # people

Rear Bedroom (room #) One household comprising # person (under 10)

[Add as required]

First Floor

Front Bedroom (room #): One household comprising # people

Rear Bedroom (room #) One household comprising # person (Under 10)

[Add as required]

Second Floor

Front Bedroom (room #): One household comprising # people

Rear Bedroom (room #) One household comprising # person (Under 10)

[Add as required]

For the purposes of this licence, any occupier is regarded as one person, regardless of age.

B. Gas, Electrical and Fire Safety

Gas Safety

2. Where gas is supplied the licence holder shall ensure that the whole gas installations, including all gas appliance/flue gas are in a safe condition at all times and that an annual gas safety check is carried out by a Gas Safe registered engineer. Any defects noted on the certificate must be promptly rectified and certificated as satisfactory. The licence holder shall provide a copy of the gas safety certificate to all tenants/occupiers at the beginning of their tenancy and keep a written record that it has been provided.*

Licence conditions for houses in multiple occupation (HMO)

*** Indicates a statutory condition as prescribed by the Housing Act 2004**

3. The licence holder shall produce the gas safety certificate issued in respect of the house within the previous 12 months for inspection within seven (7) days of the Council's demand*

Details of Gas Safe engineers can be found at www.gassaferegister.co.uk

Safety of Electrical Appliances and Furniture

4. The licence holder shall ensure that any electrical appliances and furniture made available by them in the house are kept in a safe condition and proper working order at all times. The licence holder shall ensure that as soon as electrical appliance and/or furniture is identified as being unsafe, it is removed from the house as soon as is reasonably practicable and are properly disposed of by the licence holder.*
5. The licence holder shall ensure that a record of visual inspections and tests is maintained. The licence holder shall within seven (7) days of any demand by the council provide most recent records of visual inspections and tests carried out within the previous 12 months and provide a declaration as to the safety of electrical appliances made available by them at the property.*
6. All portable electrical appliances provided by the landlord must be maintained in a safe condition and proper working order. Portable Appliance Testing (PAT) must be carried out on each such appliance every twelve months and the record of such testing kept for at least five years. Any necessary maintenance or repair work must be undertaken by a competent electrical engineer. The licence holder shall within seven (7) days of any demand by the council provide all maintenance records and PAT testing records.

Safety of Electrical Installations

7. The licence holder shall ensure that the electrical installation in the house is safe, maintained and in proper working order at all times. The licence holder shall ensure that a satisfactory Electrical Installation Condition Report (EICR) is produced at intervals of no more than five (5) years or more frequently if required in accordance with the previous EICR. Any necessary maintenance or repair works must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations. The licence holder shall within seven (7) days of any demand by the council, provide the most recent fixed wire inspection and test report. This report must be issued by a competent electrical engineer

Licence conditions for houses in multiple occupation (HMO)

*** Indicates a statutory condition as prescribed by the Housing Act 2004**

Fire Detection Systems, Smoke Alarms & Emergency Escape Lighting

8. The licence holder shall ensure that at all times a suitable fire detection and alarms system, is installed in the property that it is maintained in proper working order, tested, inspected and serviced in accordance with the current British Standards or any which subsequently replace these.
9. The licence holder shall within seven (7) days of any demand by the council provide the latest fire detection and alarms certificate, and if installed, the emergency lighting test certificates. The certificates must be completed and issued by a competent person and must demonstrate that the complete installation has been fully checked and serviced within the previous 12 months in accordance with the relevant British Standards. Any defects noted on the certificate must be rectified as soon as reasonably practicable.*
10. The number and position of the detectors and alarms must comply with the recommendations of the current British Standards or any which subsequently replaces these. As a minimum there must be a smoke alarm installed on each storey of the house on which there is a room used wholly or partly as living accommodation. For the purposes of this paragraph, a bathroom or lavatory is to be treated as a room used as living accommodation. Smoke alarms shall be maintained and cleaned periodically in accordance with supplier's instructions.
11. The licence holder shall within seven (7) days of any demand by the council provide a declaration as to the condition and position of any smoke alarms/detectors in the property*

Carbon Monoxide Alarms

12. The licence holder shall 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 burning combustion appliance. Any such alarm must be kept in proper working order. For the purposes of this paragraph, bathrooms, lavatories, halls and landings are all treated as rooms used as living accommodation.*
13. The licence holder shall within seven (7) days of any demand by the council provide a declaration as to the condition and position of any carbon monoxide alarms in the property.*

Property Management

14. The licence holder must ensure that all reasonable and practical steps are taken to respond to repair and maintenance issues at their property and that any works to deal with repairs are undertaken as soon as is reasonably practicable after they are notified, and within the timescales notified to occupiers under condition 24.

Licence conditions for houses in multiple occupation (HMO)

*** Indicates a statutory condition as prescribed by the Housing Act 2004**

15. The licence holder shall make sure that adequate security arrangements are in place and take reasonable steps to achieve property security by complying with the requirements below:
- a) So far as reasonably practicable, any emergency works necessary to protect the security of the property are undertaken within 24 hours of notification e.g. damage to windows and entrance points to the property.
 - b) The security provisions for access to the property (locks, latches, thumb turns, deadbolts and entry systems etc.) are maintained and in good working order at all times.
 - c) Where window locks are fitted, window keys shall be provided to the occupant(s) of the property. Means of escape windows shall not require a key to lock.
 - d) Where a burglar alarm is fitted to the house, the occupant(s) is (are) made aware of the code, have clear instructions on how the alarm is operated and the circumstances under which the code for the alarm can be changed.
 - e) Where it is known that previous occupiers have not surrendered keys, as soon as is reasonably practicable arranging for a lock change to be undertaken, prior to new occupiers moving in.
 - f) Where alley gates are installed to the side or rear of the licensed property, the licence holder shall take responsibility for holding a key and making satisfactory arrangements for the occupiers' access and egress.
 - g) The main escape route (usually the front door) shall be fitted with a thumb turn mortice lock, or equivalent, to five-lever security level. The lock shall comply with fire safety requirements in that it shall be operable from the inside without the use of a key.

Property inspections

16. The licence holder shall ensure that the tenant's right to quiet enjoyment of the property is respected. The licence holder shall ensure that the tenant receives at least 24 hours written notice of their intention to enter the property specifying the reason why entry is required. The only exception is when it would not be reasonably practicable to give such notice and access is required urgently, e.g. in the event of an emergency.
17. The licence holder shall ensure that inspections of the property are carried out at least every six (6) months to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement the records must contain a log of who carried out the inspection, the date and the time of

Licence conditions for houses in multiple occupation (HMO)

*** Indicates a statutory condition as prescribed by the Housing Act 2004**

inspection and any issues found and action(s) taken. The licence holder shall within seven (7) days of any demand by the council provide these records.

Dealing with rubbish

18. The Licence holder shall comply with the Council's scheme (as per guidance) which relates to the storage and disposal of household waste at the HMO pending collection. The licence holder shall ensure so far as is reasonably practicable that the occupiers make arrangements for the collection of waste in accordance with these provisions and, when the property is unoccupied, or the occupiers fails to do so the licence holder adhere to these provisions themselves.*
19. The licence holder shall at the beginning of a tenancy, provide written information to the occupiers of the property indicating:
- a) which day refuse collections will take place;
 - b) what type of bins to use for household and recycling waste;
 - c) details of the Council's bulky waste collection service;
 - d) details of the Council's missed bin collection service;
 - e) the occupiers responsibility to put bins out no earlier than 4pm on the day before collection and to return refuse containers within the boundary of the property by 8am the day after the collection;
 - f) that occupiers should make arrangements for any extra rubbish that cannot fit in the bins to be collected within seven (7) days and/or disposed of as soon as is reasonably practicable and ensure that such rubbish, where possible, is stored at the rear of the property and within the boundary of the property until collection/disposal;
20. The licence holder shall ensure that suitable and adequate provision for refuse storage and collection is provided at the house. This shall include a closable bin(s) are kept in good working order and of suitable capacity as specified by the Council.
21. The licence holder shall ensure that trade rubbish/waste is not disposed of in the domestic household bins. Any trade rubbish/waste shall be disposed of as soon as is reasonably practicable and/or within 7 days and ensure that such rubbish/waste, where practicable, is stored at the rear of the property and within the boundary of the property. The licence holder shall make adequate arrangements for the collection and disposal of commercial waste and must use a licenced waste carrier.

Licence conditions for houses in multiple occupation (HMO)

*** Indicates a statutory condition as prescribed by the Housing Act 2004**

C. Tenancy management

22. At the beginning of a new tenancy, the licence holder must provide the occupier(s) with written information pack, including contact details, explaining how they can make a complaint about the property and the arrangements in place to deal with emergency and other repairs. The contact and telephone number details shall enable contact between 9am – 5pm Monday to Friday, and shall also include an out of hours contact number for use in emergencies. Any change in contact and/or telephone number details shall be provided to occupiers within 24 hours of the changes being made.
23. The licence holder shall record providing the occupier(s) with an information pack containing the following details:
- a) A copy of the licence to which these conditions apply.
 - b) Where appropriate, copies of the current gas certificate, electrical safety report and energy performance certificates.
 - c) Details of the procedures to be followed in the reporting of anti-social behaviour (ASB).
 - d) Details of the occupier(s) duties and responsibilities to enable the licence holder or manager in complying with the licence conditions
 - e) The information required by conditions 22, 24 and 30, shall also be included.
24. The licence holder shall notify the occupier(s) in writing how they intend to respond to the complaint including a timescales for the steps they intend to take. The licence holder shall respond to any complaint in writing as soon as is reasonably practicable. Copies of all correspondence relating to complaints shall be retained during the term of this licence.
25. The licence holder shall within seven (7) days of any demand by the council provide the latest information pack provided to the current tenants and/or copies of any written correspondence in regards to complaint.
26. The licence holder shall supply to the occupiers of the house a written statement of the terms on which they occupy it (e.g. a tenancy agreement or licence). This statement shall be provided to the tenant within seven (7) days of the occupancy beginning. The licence holder shall within seven (7) days of any demand by the council provide a copy of the written statement. The written statement shall be clear about tenants' responsibility for not causing anti-social behaviour (ASB) and that breach of the statement's requirements may lead to eviction.

Licence conditions for houses in multiple occupation (HMO)

*** Indicates a statutory condition as prescribed by the Housing Act 2004**

27. The licence holder shall comply with all relevant legislation and will ensure that all legal processes are followed when requiring occupiers to cease occupation.
28. The licence holder shall demand references for new occupiers before entering into any occupancy agreement with them or allowing them to occupy the premises. Where obtained, copies of these references shall be kept for the duration of this licence and made available to the Council within seven (7) days of the Council's demand.
29. The licence holder shall ensure there is suitable and sufficient landlord buildings insurance in place for the duration of this licence.
30. Where a deposit is taken the licence holder must provide the Occupier(s) with relevant information about the deposit scheme to which it relates and any other information required under section 213 of the Housing Act 2004. The licence holder shall within seven (7) days of any demand by the council provide this information.

D. Tackling Anti-Social Behaviour

31. The licence holder shall ensure that all reasonable and practical steps are taken to prevent or reduce anti-social behavior (ASB) or criminality by the occupants of and visitors to the house. In particular;
 - a) The licence holder shall put in place written ASB procedures detailing how complaints made to the licence holder will be dealt with, a copy of which shall be provided to the tenants in the information pack. The licence holder shall within seven (7) days of any demand by the council provide their written ASB procedure.
 - b) Where complaints of ASB or criminality are made to the licence holder, the licence holder shall investigate them and take action to resolve them. Copies of the complaint shall be kept together with notes arising during the course of the investigation and how the matter was resolved; and the licence holder must keep them for the duration of this licence. Where the licence holder has reason to believe that criminal activity is taking place at the property, the licence holder must ensure that the appropriate authorities are informed.
 - c) There may be instances where anti-social behaviour (ASB) occurs more than once, but not continuously and possibly intermittently over several months. In such circumstances the licence holder shall take all as far as reasonably practicable all steps he can to ensure that it is effectively dealt with, up to and including eviction.

Licence conditions for houses in multiple occupation (HMO)

*** Indicates a statutory condition as prescribed by the Housing Act 2004**

An ASB guide with good practice to be completed by a licence holder can be found on the Council's website at <https://www.nottinghamcity.gov.uk/housing/landlords-guide-to-licensing-your-rented-properties/mandatory-licensing-for-hmos/>

E. Change of Details or Circumstances

Notification

32. The licence holder shall inform the Council within 21 days of any material change in circumstances including:

- a) Change of their residential address or contact details; including when they no longer reside at the address on the licence, or where the licence holder is a business, if their business address has changed.
- b) upon the manager (where it is an agent, or employee of the licence holder,) ceasing to act in that capacity or is no longer being employed by the licence holder.
- c) any of the matters described within Appendix 3 have occurred in respect of either the licence holder and/or the manager of the house or any persons associated with them;
- d) where the licence holder is the manager of the HMO, upon them ceasing to be the manager of the property.
- e) change of manager, management arrangements or ownership;
- f) any proposed changes to the structure, layout or amenity provision of the property that would affect the licence or licence conditions.
- g) Where the Licence holder is accredited by a body approved by the Council upon termination of such accreditation

NB. Any material change of details or circumstances may require a variation or revocation of this licence. See appendix 2 for general guidance.

F. Licence Holder Training

33. Where the licence holder has not attended relevant training in the previous three (3) years, they must as a minimum attend suitable training on the law and legal requirements relating to managing privately rented housing including HMOs within 12 months of the date the licence is granted. See appendix 4 for general guidance.

Licence conditions for houses in multiple occupation (HMO)

*** Indicates a statutory condition as prescribed by the Housing Act 2004**

G. Interpretation

34. Where reports, certificates, declarations or other documents are required to be produced or supplied to the Council, this shall mean sending by submitting them via the online portal or via email.
35. Any reference to tenant or tenancy can also be interpreted to include occupancy by licence or other form of written agreement for the purposes of these conditions.
36. Where electrical works / certificates are required they shall be carried out by a suitably qualified electrical contractor who should be registered / member of an approved scheme such as NICEIC, ECA, NAPIT etc. or registered to undertake electrical works in accordance with Part P of the Building Regulations (unless exempt works). Electrical contractors that are on a relevant competent person scheme can be found at www.competentperson.co.uk.

APPENDIX 1

FAILURE TO COMPLY WITH ANY LICENCE CONDITIONS IS AN OFFENCE

PROSECUTION / CONTRAVENTIONS CONSEQUENCES - Please note that any prosecutions or enforcement action or legal action taken against the licence holder or anyone associated with licence holder, or the management of the property, may affect the licence holders 'fit and proper' status. The Council can revoke or vary the licence at any time, giving proper statutory notice.

PENALTY FOR BREACH OF LICENCE CONDITIONS - Failure to comply with any of the above licence conditions may result in similar enforcement action as described above and/or prosecution. The fine for a breach of licence condition is now **UNLIMITED** for each offence at prosecution or a Civil Penalty Notice could be served for **up to £30,000 for each breach**.

LIMITATIONS OF THE LICENCE

LICENCE TRANSFER - This licence can **NOT** be transferred to another person or organisation or property.

REGISTERED COMPANIES - If the licence holder is a registered company and it is dissolved while the licence is in force, the licence ceases to be in force on the date of dissolution.

PROPERTY CONDITION - This property licence is **NOT** proof or evidence that the house is safe and free from hazards and defects. The property licence does not prevent criminal or civil legal action being taken against the licence holder, or anyone else with an interest in the property, if any hazards or nuisances are found or any other problems discovered in relation to the condition of the property.

BUILDING CONTROL - This property licence does **NOT** grant any Building Control (Development Control) approvals, consent or permissions, retrospectively or otherwise. This property licence does not offer any protection or excuse against any enforcement action taken by the Building Control (Development Control) Department.

Licence conditions for houses in multiple occupation (HMO)

*** Indicates a statutory condition as prescribed by the Housing Act 2004**

PLANNING PERMISSIONS - This property licence does **NOT** grant, any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise. You should check the Council's website to ensure the correct planning permissions are in place. This property licence does not offer any protection or excuse against any enforcement action taken by the Development Control Department. If you are unclear on the matters outlined above you should seek professional planning advice. www.nottinghamCity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/

VARIATION - No changes may be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent. Where the licence holder or a relevant person applies to vary a licence they should do so at the earliest opportunity. The original licence stays in force until the variation is determined and comes into effect. A person making unauthorised changes may be liable to prosecution or other forms of enforcement action.

LEASEHOLD AGREEMENTS – It is your responsibility to check the terms of any lease that you hold to ensure that operating the property as a House in Multiple Occupation does not breach the terms of your lease.

PLEASE NOTE - It is your responsibility to ensure that you have any other necessary permissions or consents in place to enable the property to be used as a house in multiple occupation. The granting of a licence does not override any other private or public law provisions in this respect.

APPENDIX 2 GUIDANCE INFORMATION

These do not form part of the licence conditions, but you may still be under an obligation to comply with them.

Consumer Rights & Unfair Practices

The Office of Fair Trading's (OFT) guidance on unfair contracts when conducting their business, drawing up tenancies, contracts or the service of notices on tenants and/or agents. The Licence Holder must act in good faith and must not conduct actions which would be considered a misleading action or omission. Full information should be supplied to any prospective tenant including details of this licence.

Further advice can be found here,

<https://www.gov.uk/government/publications/unfair-contract-terms-cma37>

<https://www.gov.uk/government/publications/unfair-terms-in-tenancy-agreements--2>

Gas Safety

If gas is supplied to the house the licence holder shall ensure the Gas Safety (Installation and Use) Regulations 1998 (or any Regulations which subsequently replace these) are complied with. Details of competent Gas Safe engineers can be found at www.gassaferegister.co.uk

Electrical Safety

The licence holder shall ensure that the Electrical Equipment (Safety) Regulations 1994 (or any Regulations which subsequently replace these) are complied with. Certificates must be in the format recommended in the British Standards. All electrical checks, works and certification must be carried out by a competent person being a suitably qualified electrical contractor who should be registered / member of an approved scheme such as NICEIC, ECA, NAPIT etc. or registered to undertake electrical works in accordance with Part P of the Building Regulations (unless exempt works).

Smoke Alarms, Fire Detection Systems & Emergency Escape Lighting

Depending on the size, layout and occupancy of the property the licence holder may need to go over and above the legal minimum standards to adequately protect the tenants from fire and may also need to undertake a risk assessment. When doing this the licence holder should have regard to the current Building Regulations; and the LACORS Fire Safety Guide. The LACORS Fire Safety guidance

Licence conditions for houses in multiple occupation (HMO)

*** Indicates a statutory condition as prescribed by the Housing Act 2004**

is available at www.nottinghamCity.gov.uk/environmental-health-and-safer-housing/private-sector-housing/

Competent Person

A competent person is someone who has sufficient training and experience or knowledge and other qualities that allow them to assist you properly. The level of **competence** required will depend on the complexity of the situation and the particular help you need.

www.competentperson.co.uk

Furniture Safety

The licence holder shall ensure that the Furniture and Furnishings (Fire Safety) Regulations 1988 (or any Regulations which subsequently replace these) in respect of any upholstered furniture supplied by them, including chairs, sofas, beds, upholstered head boards, mattresses, cushions, seat pads, pillows and upholstered garden furniture etc. are complied with.

Safety and Security of Property

It is recommended that licence holders work towards improving the safety and security of their property by as a minimum complying with the Security and Standards of HMO and Rented Properties guide issued jointly by Nottinghamshire Police and Nottingham City Council, available at www.nottinghamCity.gov.uk/HMO.

Property Management

More information on dealing with waste can be found at www.nottinghamcity.gov.uk/bin-and-rubbish-collections/. Licence holders may find it useful to include this link in the documentation provided to occupiers under condition 18.

Training

The training requirement in conditions 33 is a minimum requirement and depending on the level of responsibility and complexity of properties involved the licence holder should consider undertaking further relevant training in line with the extent of their liabilities.

Deposits

The licence holder shall ensure that any deposit taken as security for a tenancy is protected as appropriate by placing it in an approved tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used in a specified time.

Right to rent

Only people with permission or a right to be in the UK have a right to rent property. As a landlord, you have a responsibility to restrict illegal immigrants accessing the private rented sector. If you are found letting to someone who does not have the right to be in the UK, and you cannot show that you have made right to rent checks, then you could face a penalty of £3000. For more information visit www.gov.uk/check-tenant-right-to-rent-documents

Energy Performance Certificates (EPCs)

Licence holders shall ensure they comply with relevant legislation, ensuring tenants have sight of a current EPC for the property at the appropriate time. From 1st April 2018 domestic properties in England and Wales must have an EPC certificate with a minimum E rating for energy efficiency.

Redress scheme

Where the licence holder is also a letting agent or property manager they shall be a member of a relevant property redress scheme. More information is available at www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes

Changing Use (converting family housing to a HMO)

Licence holders proposing to convert properties from single occupancy into HMOs should be aware that planning permission is required. More information is available at www.nottinghamCity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/

Licence conditions for houses in multiple occupation (HMO)

*** Indicates a statutory condition as prescribed by the Housing Act 2004**

To Let boards

In Nottingham there are controls on to let boards in certain parts of the City. More information is available at www.nottinghamCity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/controls-on-to-let-ad-boards/

Electoral Registration

If you live in Nottingham City, access to certain services may be affected if you are not on the electoral register. It is a legal requirement to be on the electoral register. For more information please visit www.nottinghamcity.gov.uk/about-the-council/voting-elections/register-to-vote/

Appendix 3 Fit & Proper Persons (see condition 32(c))

A person who has acted in contravention of any of the following, will not be considered Fit & Proper:

- a) Commission of an offence involving: fraud, dishonesty, violence, drugs and sexual offences.
- b) Practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in connection with a business.
- c) Contravened any provision of housing or landlord and tenant law
- d) Acted in contravention of any Approved Code of Practice
- e) or any Banning Order offences

Appendix 4 – Training (see condition 33)

This requirement for condition 32 can be satisfied by the completion of a one-day training course or online equivalent covering the law and legal requirements relating to managing privately rented houses. Once completed, submit a certificate or other confirmation to the Council following this training. The following are recognised as providing a suitable course to satisfy this condition.

Organisation	Course	Website and email or web form address	Contact number
DASH Services	Landlord Development Course	www.dashservices.org.uk linda.cobb@derby.gov.uk	01332 641111
East Midlands Property Owners (EMPO)	Basic Law for Lettings	www.empo.co.uk/training-courses.html www.empo.co.uk/contact-us.html	0115 9502639
National Landlords Association (NLA)	Foundation Course	www.landlords.org.uk/foundation www.landlords.org.uk/contact-nla	020 7840 8920
Residential Landlords Association (RLA)	Landlords Principles of Letting or Agents Principles of Lettings (e-Learning also available)	www.rla.org.uk/landlord/courses/landlord_training_courses.shtml info@rla.org.uk	03330 142998

Licence conditions for houses in multiple occupation (HMO)

*** Indicates a statutory condition as prescribed by the Housing Act 2004**

National Approved Letting Scheme (NALS)	Foundation Lettings Course	www.nalscheme.co.uk/nals-professional-development/info@nalscheme.co.uk	01242 581712
Unipol – Unipol members only	Unipol online or classroom based landlord course	www.unipol.org.uk/ code@unipol.org.uk	0115 9345020