

# Houses in Multiple Occupation (HMO) LICENCE CONDITIONS Section 67 Housing Act 2004

## SOUTHAMPTON CITY COUNCIL HMO LICENCE CONDITIONS

### ADDRESS:

Licence Number:

Date of licence:

Date of issue :

In accordance with section 67 of the Housing Act 2004, a licence to operate an HMO is **granted subject to compliance with certain conditions**. The relevant conditions are listed below. Please note that the conditions are described under two headings:-

1. **General conditions** – these conditions are listed in Schedule A below, and are attached to all HMOs licensed with the City Council. All HMO licence holders have to comply with these conditions.
2. **Specific conditions** – these conditions are listed in Schedule B below and relate only to the above address. These conditions will usually require the landlord to carry out works of improvement to the HMO within a specified timescale. In some cases these conditions may also restrict the use of part of the accommodation.

Failure to comply with the specific or general conditions may result in legal enforcement or the variation or revocation of the licence.

## Schedule A

### General Conditions of HMO Licence

#### Use and Occupation

1. The local authority may at any reasonable time visit and inspect the licensed premises to check for compliance with the conditions of this licence.
2. The responsibility for compliance with these conditions rests solely with the licence holder. Where conditions have a time limit attached, it is the licence holder's responsibility to ensure compliance. Where a time limited condition is imposed there is no obligation placed on the local authority to visit to check compliance at the expiry of such time limits and the lack of such a visit does not release the licence holder from their responsibilities.
3. The licence holder must not permit the house to be occupied in any other way or by more than the number of persons specified in the licence.
4. The licence holder must ensure that a copy of the licence together with a copy of these licence conditions are clearly displayed within the common parts of the house (,e.g. the hallway), for the benefit of all tenants.
5. The licence holder must ensure that all occupants are supplied with an agreed statement of the terms on which they occupy the house. This statement should 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.

These conditions are that the occupants shall:-

- i) not use the house or allow others to use the house in a way which causes a nuisance, anti-social behaviour, annoyance or damage to neighbouring, adjoining or adjacent property; or to the owners or occupiers of those properties. This includes any nuisance caused by noise;
- ii) not leave the property unoccupied for more than 28 days without providing the licence holder and/manger with reasonable notice;
- iii) comply with arrangements made by the manager, owner or licence holder, for the storage and disposal of refuse and household waste;
- iv) not cause damage to fixtures, fittings, fire precautions, or premises and if so damaged to make good all damage that may occur during the term of occupation that are the responsibility of the tenant;
- v) permit the licence holder and/or manger or their agents or contractors upon giving at least 24 hours notice in writing (except in emergencies) to enter the house at all reasonable times for the purpose of inspection.

6. The licence holder will ensure that if he is the direct landlord of the occupants that he will take all appropriate legal action to remedy any breach by the occupants of their terms and conditions that apply to their use and occupation of the property. In particular in relation to condition 5 (i) above, and if appropriate, serve appropriate legal notices to terminate the occupation agreement and to commence within a reasonable period of time possession proceedings. If the licence holder is not the landlord of the house he will ensure that any legal binding agreement he has with a manager of the house ensures that the manager has a similar obligation.
7. The licence holder must display within the common parts of the house his/her contact details together with those of any manager or agent appointed in connection with the running of the house. This must include their:
  - Name
  - Address
  - Daily contact telephone number
  - Emergency contact number for out of hours use.
8. The licence holder shall nominate a representative to act on their behalf on occasions of their holidays, sickness or other temporary absence. The occupiers shall be made aware of any such arrangements and given contact details, updated as necessary.
9. Should the licence holder intend to be absent from the UK for a period of more than 1 month, they should notify the Council, and provide in writing, alternate contact details of a suitable person who will act on their behalf.
10. The licence holder shall make reasonable provisions to enable the occupiers of the property, the Council and any other persons who may be affected, to contact the licence holder or a representative to report an urgent problem or emergency situation. The licence holder or other nominated person shall have sufficient authority to authorise expenditure on repairs or other emergency actions without delay and should be authorised to deal with any anti social behaviour problems linked to the property.
11. The licence holder must ensure that common areas, including shared living rooms, kitchens, hallways etc of the house are not used for sleeping, either by tenants or their guests.

### **Management of the Property**

12. The licence holder must ensure that the house is properly managed at all times. In applying good standards of management the licence holder must comply with: The Management of HMOs (England) Regulations 2006; any relevant Code of Practice approved by the Secretary of State for this purpose which is in force currently or subsequently during the life of the licence. A summary of the main provisions of the current management regulations are attached to these conditions.
13. The licence holder shall ensure that the house is inspected at reasonable intervals. (See condition 5 for service of reasonable notice on occupiers) to carry out assessments and inspections to ensure the property is well maintained and that any problems are identified and rectified. Occupants should be notified in writing of any proposed visit, except in the case of an emergency situation where reasonable verbal notice should be given. A copy of any written notices and correspondence must be kept by the licence holder and/manager. Copies of the notices and correspondence must be made available to the local authority within 48 hours of a request to see them.

14. The licence holder must ensure that where supplies of water, gas or electricity are provided, an adequate supply is maintained to each unit of accommodation at all times.
15. The licence holder must ensure that any persons involved with the management of the house are to their best knowledge “fit and proper persons” for the purposes of the Act.
16. The licence holder must ensure that they conduct their obligations and responsibilities to the occupants in accordance with landlord/tenant law and that:
  - i) Occupants are aware of the obligations and procedures for requesting repairs and of landlord/tenant rights regarding access to carry out repairs;
  - ii) Occupants are aware of their duty to take reasonable care;
  - iii) Occupants are aware of what services rental payment includes, the consequences of non-payment, the procedures relating to deposits and the calculation of refunds at end of tenancy;
  - iv) The licence holder shall ensure that all deposits are handled and processed in compliance with the provisions of the Housing Act 2004 and any current, forthcoming or subsequent regulations.
  - iv) Legal binding agreements and other documentation relating to the occupants use and occupation of the house are fair, clear and concise and the contents are explained to, and understood by, the occupants;
  - v) Where documents are to be signed by the occupants, a copy is to be left with them;
  - vi) Occupants have quiet enjoyment of their accommodation;
  - vii) Vacant possession is sought only using the appropriate notices and lawful possession procedures.
17. The licence holder must consult with the City Council before making any material changes to the layout, amenity provision, fire precautions or mode of occupation of the house.
18. The licence holder must advise the City Council immediately if there has been any transfer of ownership or management of the house.
19. The licence holder must ensure that all amenities, facilities and equipment provided for occupants are adequately maintained and remain available for use at all times.
20. The licence holder must ensure that the house is maintained in good repair.
21. The licence holder must ensure that there are adequate arrangements for the storage and disposal of refuse between collections.
22. The licence holder must ensure that where household waste is generated arrangements are made for the collection and disposal within 10 working days, where items are placed at the front of the property.
23. The licence holder must take reasonable practical steps to prevent or where appropriate reduce, antisocial behaviour by persons occupying the property, or any visitors within the curtilage of the property. They must also reasonably co-operate with the licensing authority

over any action being taken in respect of the same.

24. The licence holder shall ensure that at the commencement of their occupation, all occupants of the licensed premises are given a copy of the fire emergency evacuation plan and details of any fire precautions installed at the property.

### **Gas and Electrical Safety**

25. If gas is supplied to the property the licence holder must ensure that all gas appliances, flues and equipment are inspected by a CORGI registered engineer at intervals of no more than 12 months. A Gas Safety Certificate must be obtained as a result of this inspection and made available to tenants at the beginning of every new tenancy and when a new test is completed i.e. on expiry of the previous test certificate.
26. The licence holder must ensure that all electrical appliances in the house supplied by them are maintained in a safe condition. The licence holder shall supply the local authority on demand, with a declaration confirming the safety of any such appliances.
27. The licence holder shall hold a periodic electrical survey inspection report for the whole of the electrical installation in accordance with current IEE Wiring Regulations. The report shall be no more than five years old and shall have been produced by a suitably trained, experienced and competent person. A competent person is deemed to be one accredited by an organisation identified in Part P of the Building Regulations in force at the time of the inspection. Any remedial work relating to the safety of the installation which is identified during this inspection shall be completed within three months of the date of issue of this licence. The licence holder must make available a copy of the report to tenant/s at the beginning of every new tenancy.
28. If no current electrical report is available, one shall be obtained immediately. Any remedial works relating to the safety of the installation which are identified on the periodic electrical survey report must be completed within three months following the date of the report.
29. The licence holder shall ensure that gas or electricity supplies to common parts or shared amenities are not unreasonably withheld or terminated.
30. Similarly, where rents are inclusive of gas or electricity the licence holder shall ensure that gas or electricity supplies to units of accommodation are not disconnected or threatened with disconnection due to non-payment of monies owed to the relevant statutory undertaker.

### **Fire Safety**

31. The licence holder must ensure that all furniture supplied by them in the house is compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended). The licence holder shall supply to the Council, on demand, a declaration relating to the safety of all such appliances and furniture.
32. The licence holder shall produce upon request a copy of the current Fire Risk Assessment carried out as required by the Regulatory Reform (Fire Safety) Order 2005.
33. The licence holder shall ensure that, as a minimum, the property is installed with smoke detectors in the entrance hall and landing area on each floor.
34. The licence holder will ensure that electricity supplies to automatic fire detection and emergency lighting systems (where fitted) are not disconnected or threatened with

disconnection due to non-payment of monies owed to the relevant statutory undertaker.

### **Space and Amenity Standards**

35. The licence holder must ensure that the house is compliant with Southampton City Council's Approved Standards for HMOs and any amended or subsequent replacement standards, according to the type of accommodation offered. These standards will be reviewed periodically to ensure that they remain appropriate to the type of HMO accommodation within the Council's area and needs of residents. A copy of the standards adopted by Southampton City Council at the time of issue of this licence is included with this licence.
36. The licence holder must ensure that all sinks, baths, showers and wash hand basins are equipped, where applicable, with fixed taps and that the hot water system is capable of supplying hot water when required by the occupants.

## **Schedule B**

### **Specific Conditions of HMO Licence**

These conditions are specific to the property for which the licence is issued.