

1. Standard conditions

- 1.1 The licence holder is required (if gas is supplied to the house) to produce to the council annually for their inspection a gas safety certificate (i.e. 'Landlord's Gas Safety Record' from a 'GasSafe' registered engineer) obtained in respect of the house within the last 12 months.
- 1.2 (i) The licence holder is required to ensure all electrical appliances made available by him in the house are maintained in a safe condition and to supply the authority, on demand, with Portable Appliance Test certificates confirming the safety of such appliances.
- (ii) The licence holder is required to ensure that every electrical installation in the house is in proper working order and safe for continued use; and therefore, must produce to the council, an 'Electrical Installation Condition Report' (EICR) for all fixed electrical installations within the premises. Every electrical installation must be inspected and tested by a suitably 'qualified and competent person', at intervals of no more than 5 years; or at a shorter interval if stipulated on a previous report. The person carrying out the inspection & testing and producing the EICR must either be a member of an appropriate competent person scheme and specifically registered to carry out such 'inspection and testing' (i.e. they hold adequate public liability & professional indemnity insurance, have sufficient experience of carrying out periodic inspection and testing of electrical installations and appropriate qualifications covering both the current version of the Wiring Regulations and specifically for periodic inspection, testing and certification of electrical installations).
- 1.3 The licence holder is required to ensure all furniture made available by him in the house comply to safety standards as set out in '*The Furniture and Furnishing (Fire)(Safety) Regulations 1988*' (as amended in 1993) and to supply the authority, on demand, with a declaration by him as to the safety of such furniture.
- 1.4 The licence holder must ensure that smoke alarms are installed in the house, maintained in proper working order and supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms (see also. 'Fire Precautionary Facilities' in 5.6 below).
- 1.5 The licence holder is to supply to the occupiers of the house a written statement of the terms (tenancy) on which they occupy it. This should include a minimum of the following;
- (i) full name and addresses of all parties to whom the contract relates
 - (ii) full address of the property including postcode which is subject to the tenancy
 - (iii) Duration of the tenancy, including date of commencement
 - (iv) The amount of the rent, when it should be paid and to whom
- N.B.** *if persons for whom English is not their first language occupy the house, then the 'statement of terms and conditions' must be provided in both their native language and in English.*
- 1.6 The licence holder must ensure;
- (i) 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.
 - (ii) 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.

- (iii) 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.
- (iv) that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.
- (v) 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 as specified in the licence.
- (vi) 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 as specified in the licence.
- (vii) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years as specified in the licence and the maximum number of persons aged under 10 years as so specified.

1.7 The following conditions will apply if:

- a) any of the conditions in 1.6 (i) to (vii) above, have been breached in relation to the HMO

and

- b) the licence holder has knowingly permitted the breach

and

- c) the Local Housing Authority have notified the licence holder of the breach and which requires the licence holder to rectify the breach within the specified period.

- (i) in 1.7 the period specified in c) means the period of not more than 18 months, beginning with the date of the notification which is specified in the notification.
- (ii) a condition requiring the licence holder to notify the local housing authority of any room in the HMO, with a floor area of less than 4.64 square metres.
- (iii) in 1.6 and 1.7, reference to a number of persons using a room in an HMO as sleeping accommodation, does not include a person doing so as a visitor to an occupier at the HMO.
- (iv) in 1.6 and 1.7, 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.
- (v) for the purposes of 1.6 and 1.7, any part of the floor area of a room where the height of the ceiling is less than 1.5 metres, is not to be taken into account when determining the floor area of that room.
- (vi) The conditions in 1.6 and 1.7 do not apply to a HMO which is managed by a charity registered under the Charities Act 2011 and which—
 - (a) is a night shelter, or
 - (b) consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.

1.8 Time for compliance with conditions under 1.6 and 1.7 above;

- (i) The following applies in respect of the first licence granted on or after 1st October 2018 in relation to the HMO, regardless of whether a licence was in force in relation to the HMO immediately before that date.
- (ii) If the local housing authority consider that, at the time the licence is granted, the licence holder is not complying with one or more of the conditions of the licence imposed pursuant to 1.6 above, the authority must when granting the licence provide the licence holder with a notification specifying the condition or conditions and the period within which the licence holder is required to comply with the condition or conditions.
- (iii) The period specified in the notification must not exceed 18 months from the date of the notification.
- (iv) Within the period specified in the notification—
 - (a) the local housing authority may not revoke the licence for a breach (or repeated breach) of any condition of the licence specified in the notification,
 - (b) the licence holder does not commit an offence under section 72(3) in respect of any failure to comply with such a condition, and
 - (c) the local housing authority may not impose a financial penalty under section 249A on the licence holder in respect of such a failure.
- (v) (ii) to (iv) of 1.8 do not apply if, before the licence was granted, the licence holder was convicted of an offence under section 72(2) or (3) in relation to the HMO.

1.9 The licence holder must comply with any scheme which is provided by the local housing authority to the licence holder and which relates to the storage and disposal of household waste at the HMO pending collection.

2. **Fit and Proper Person**

2.1 The licence holder is to provide on request to the council, their;

- (i) national insurance number, and
- (ii) date of birth.

2.2 The licence holder must notify the council immediately if;

- (i) The contact information given in the HMO Licence changes and
 - (a) you no longer reside at the address given;

- (b) providing a new contact address, including telephone number.
- (ii) The licence holder ceases to have any involvement with the property.
- (iii) There is a change of managing agent;
- (iv) Providing a new contact, including address and telephone number.
- (v) The licence holder is the managing agent and the person specified as the main contact ceases to be that contact;
- (vi) Providing a new contact, including address and telephone number.
- (vii) There is a change in circumstances for either the licence holder or managing agent that contravenes any of the following;
 - a) Committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);
 - 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 of landlord and tenant law; or
 - d) Acted otherwise than in accordance with any applicable code of practice approved under section 233 of the Act.
- (viii) He/she becomes aware of, or suspects any person involved with the management and/or ownership of the house, is not a 'fit and proper person'.
- (ix) Any person proposed to be involved in the management of the house has insufficient competence and experience to be so involved.
- (x) Any intended
- (xi) Of any material change of circumstance affecting the licence holder or the operation of the property.

3. Permitted Levels of Occupancy and Room Usage

3.1 The licence holder must:

- (i) Notify the council immediately of any intended alterations or changes in the use and occupancy levels of each room which may affect the licence contents or conditions attached to the licence (see 'Specific Conditions')
- (ii) Ensure the maximum number of persons allowed to occupy the property is not exceeded.

4. Management Conditions

4.1 The licence holder is responsible for ensuring that;

- (i) The licence is not transferred to another person or property, once granted;
- (ii) A notice is placed in the common parts, by the main entrance door, detailing the name, contact address and telephone number of either the licence holder or that of his managing agent;
- (iii) A copy of the licence is displayed in a prominent position within the house, where all tenants and visitors can see it;
- (iv) An emergency name, address and telephone number is made available to the tenants for the purposes of responsive maintenance and repair, 24 hours a day. This information is also to be provided to the council.
- (v) All tenants are given clear advice on what action is required in the event of an emergency.
- (vi) Access to the licensed property is given to officers from the council for the purposes of carrying out inspections, where a request has been made in writing giving reasonable notice.
- (vii) They co-operate fully if the council has reason to believe any conditions contained in the licence have been breached.
- (viii) They are familiar and able to attend training courses in relation to any applicable code of practice relating to the management and day to day running of a House in multiple occupation.
- (ix) The maximum number of persons allowed to occupy the property is not exceeded (see attached schedule).
- (x) They comply fully with Sefton's adopted guidance on property standards, based upon standards in Schedule 3 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006', Statutory Instrument 373:2006, when deciding the suitability for occupation of an HMO by a particular maximum number of households or persons. (see 'Specific Conditions').

4.2 The licence holder and/or their nominated agent are required to;

- (i) Make regular visits to ensure the property is in a good state of repair;
- (ii) Ensure that the property provides a safe and secure environment for the occupiers of the house;

4.3 The licence holder is required to;

- (i) Act lawfully and responsibly when dealing with rent payments, advanced payments, returning deposits and considering deductions from deposits.
- (ii) Comply fully with the requirements of the Management of Houses in Multiple Occupation (England) Regulations 2006, Statutory Instrument 2006, no. 372).

In brief, this includes;

- a) Duty of manager to provide information to occupier by means of his name, address, and telephone number are made available to each household.
- b) Duty of manager to take safety measures including the design, structural condition and number of occupiers. All means of escape from fire are kept free from obstruction and maintained in good order and repair and correctly identified in the case of an emergency.
- c) Duty of manager to maintain water supply and drainage in the house is maintained in good, clean and working condition.
- d) Duty of manager to supply and maintain gas and electricity, the manager must supply the council on written request within 7 days a copy of the latest gas appliance test certificate.
- e) Duty of manager to maintain common parts, fixtures, fittings and appliances and ensure they are kept good in a clean decorative repair, maintained in a safe and working condition and free from obstruction.
- f) Duty of manager to maintain living accommodation must ensure that each unit of living accommodation within the house and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it.
- g) Duty of manager to provide waste disposal facilities ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the house for the storage of refuse and litter pending their disposal, having regard to any service provided by the council.

5. Accommodation Standards

5.1 The standard of accommodation must be in accordance with;

- i. Schedule 3, Regulations 1 to 5 of SI 373: 2006 as amended by 12(4) of SI 1903: 2007 - 'Prescribed standards for deciding the suitability for occupation of a HMO by a particular maximum number of households or persons'

and

- ii. Sefton's amenity standards as adopted under section 65(2) of the Housing Act 2004

5.2 Heating

- i. Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.

5.3. Washing facilities

- i. Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household;
 - a) there must be an adequate number of bathrooms, toilets and wash hand basins suitable for personal washing) for the persons sharing those facilities;

and

 - b) where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit, other than a unit in which a sink has been provided as mentioned in paragraph 5.5 below.

having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash hand basins, toilets and bathrooms.

- ii. All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.
- iii. All bathrooms in an HMO must be suitably and adequately heated and ventilated.
- iv. All bathrooms and toilets in an HMO must be of an adequate size and layout.
- v. All baths, toilets and wash hand basins in an HMO must be fit for the purpose.
- vi. All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.

5.4 Kitchens

Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food;

- i. There must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;
- ii. the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities;
 - a. sinks with draining boards;
 - b. an adequate supply of cold and constant hot water to each sink supplied;
 - c. installations or equipment for the cooking of food;
 - d. electrical sockets;
 - e. worktops for the preparation of food;
 - f. cupboards for the storage of food or kitchen and cooking utensils;
 - g. refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
 - h. appropriate refuse disposal facilities; and
 - i. appropriate extractor fans, fire blankets and fire doors.

5.5 Units of living accommodation without shared basic amenities

- i. Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with;
 - a. Adequate appliances and equipment for the cooking of food;
 - b. A sink with an adequate supply of cold and constant hot water;
 - c. A work top for the preparation of food;
 - d. Sufficient electrical sockets;
 - e. A cupboard for the storage of kitchen utensils and crockery; and
 - f. A refrigerator.
- ii. The standards referred to in (a) and (f) of sub-paragraph (i) of the condition above, shall not apply in relation to a unit of accommodation where;
 - a. The landlord is not contractually bound to provide such appliances or equipment;
 - b. The occupier of the unit of accommodation is entitled to remove such appliances or equipment from the HMO; or
 - c. The appliances or equipment are otherwise outside the control of the landlord.
- iii. Where there are no adequate shared washing facilities provided for a unit of living accommodation as mentioned in condition 5.2 above, an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either;
 - a. Within the living accommodation; or
 - b. Within reasonable proximity to the living accommodation

5.6 Fire Precautionary Facilities.

Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.

Please note that the provision of adequate fire precautions should be in line with current national guidance as given in 'Housing – Fire Safety, Guidance on fire safety provisions for certain types of existing housing' (the LACORS guide). In most cases this will require provision of a protected means of escape with adequate fire separation plus an Automatic Fire Detection & Alarm System and possibly an Emergency Lighting system and basic fire fighting equipment.

6. Services and Facilities

- i. The licence holder is required to ensure all facilities and equipment are maintained in repair and good working order.
- ii. The licence holder is required to ensure that as well as the declaration and mandatory condition of providing annual gas safety check for appliances, landlords of a property also have further duties under the Gas Safety (Installation and Use) Regulations 1998, whereby they are required to provide ongoing maintenance of the gas installation. Landlords should not assume that by carrying out annual gas safety checks will be sufficient to provide effective maintenance; the advice of a GasSafe registered contractor should be sought.
- iii. The licence holder is required to make arrangements, if applicable, to ensure that gas and electric supplies to any common parts are installed on a separate landlord's supply by means of a suitable credit meter and that any payment required by a utility service is made on request.
- iv. The licence holder is required to ensure that every electrical installation in the house is in proper working order and safe for continued use; and therefore must produce to the council, an 'Electrical Installation Condition Report' (EICR) for all fixed electrical installations within the premises. Every electrical installation must be inspected and tested by a suitably 'qualified and competent person', at intervals of no more than 5 years; or at a shorter interval if stipulated on a previous report. The person carrying out the inspection & testing and producing the EICR must either be a member of an appropriate competent person scheme and specifically registered to carry out such 'inspection and testing', or be able to satisfy the LHA that they are both 'qualified' and 'competent' to carry out inspection & testing (i.e. they hold adequate public liability & professional indemnity insurance, have sufficient experience of carrying out periodic inspection and testing of electrical installations and appropriate qualifications covering both the current version of the Wiring Regulations and specifically for periodic inspection, testing and certification of electrical installations).

7. Specific Conditions