

Introduction

The Council proposes to introduce an additional licensing scheme under Part 2 of the Housing Act 2004 (“the Act”). It is currently intended the additional licensing scheme will include all houses in multiple occupation (“HMOs”) that do not already fall within the scope of existing mandatory HMO licensing regime that applies to larger HMOs with five or more occupiers.

Under an additional licensing scheme, persons in control of or managing an HMO as defined by section 254 of the Act will be required to apply for a licence to operate the property. The Act allows local authorities to set conditions to regulate:-

- The management, use and occupation of HMOs, and
- Their condition and contents.

The Act particularly allows:-

- conditions imposing restrictions or prohibitions on the use or occupation of particular parts of the house by persons occupying it.
- conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house.
- conditions requiring facilities and equipment to be made available in the house for the purpose of meeting standards prescribed under section 65 of the Act.
- conditions requiring such facilities and equipment to be kept in repair and proper working order.
- conditions requiring, in the case of any works needed in order for any such facilities or equipment to be made available or to meet any such standards, that the works are carried out within such period or periods as may be specified in, or determined under, the licence.
- conditions requiring the licence holder or the manager of the house to attend training courses in relation to any applicable code of practice approved under section 233 of the Act.

The law requires that certain mandatory conditions be applied to licences granted under an additional licensing scheme. These conditions are set out in Schedule 4 of the Act. The following explanatory notes outlines the conditions the Council is considering as part of its proposed additional licensing scheme.

Conditions relating to occupancy

The Council proposes to apply conditions that will limit the total number of people who can live within an HMO (“the total maximum permitted number of occupiers”) and the total number of households. The meaning of household will be as defined by section 258 of the Act. The wording proposed by the Council is:-

<p>The total maximum permitted number of occupiers and households for the property are set out below. These numbers must not be exceeded unless otherwise authorised by this licence.</p>

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Total maximum permitted number of occupiers: Total maximum permitted number of households:

The total maximum permitted number of occupiers would be derived from several factors. These include:

- The number of sleeping rooms available and the floor area of those rooms.
- The number of toilets, baths, showers and hand basins in the property and their distribution.
- The amenities within the property for the storage and preparation of food.

The following minimum floor areas for sleeping rooms would be applied:-

- A minimum of 4.64 square metres where the room is to be occupied by one person aged under 10 years.
- A minimum of 6.51 square metres where the room is to be occupied by one person aged over 10 years and there are no cooking facilities in the room.
- A minimum of 10.5 square metres where the room is to be occupied by two people aged over 10 years and there are no cooking facilities in the room.
- A minimum of 10.5 square metres where the room is to be occupied by one person aged over 10 years where there are cooking facilities in the room.
- A minimum of 14.5 square metres where the room is to be occupied by two people aged over 10 years where there are cooking facilities in the room.

The Council is aware that limiting the total maximum permitted number of occupiers for properties that are already occupied could result in residents being made homeless. For this reason, the Council proposes that in the first instance licences to be granted under additional licensing will normally include conditions that require amenities to be improved rather than capping the total maximum permitted number of occupiers at a number that requires one or more occupiers to be made homeless.

Given the above minimum floor areas, the Council also proposes to apply conditions that will limit the number of occupiers of individual lettings. The maximum permitted number of occupiers of each letting would be based on the floor area of the room(s) normally used as sleeping rooms in those lettings. The proposed wording of this condition is:-

Each sleeping room has a maximum permitted number of occupiers that may sleep within it. Each sleeping room may only be used by a maximum of one household. The maximum permitted number of occupiers for each sleeping room are listed below. The combined total of occupiers in the sleeping rooms must not exceed the total maximum number of occupiers for the property unless otherwise authorised by this licence.
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The Council proposes that individual letting unit within an HMO be occupied by no more than one household. The purpose of this limitation is to help prevent exploitation of vulnerable groups by licence holders placing strangers in the same individual letting unit.

The condition would list the maximum permitted number of occupiers permitted for each sleeping room. It is important to note this condition will provide information on how many occupiers each room can satisfactorily house. It would not be permissible for the combined number of occupiers of room to exceed the total maximum permitted number of occupiers unless otherwise authorised by the licence.

As indicated above, the Act limits who can occupy a sleeping room based on its floor area. Where there are sleeping rooms where the floor area is less than 6.51 square metres and equal to greater than 4.64 square metres the Council proposes a condition to identify and limit occupation using the following wording (any rooms affected would be listed here):-

Because of their size, the use of the some sleeping rooms is restricted to persons aged less than 10 years unless otherwise authorised in writing by the Council. These sleeping rooms are listed below.

<list of affected rooms>

The Act allows some flexibility in cases where sleeping rooms are already occupied such that either by age or number of occupiers the minimum floor area standard is breached. For the first licence issued for a property after 1st October 2018, the Council can grant a period of up to 18 months during which the licence holder can steps to ensure compliance with the maximum permitted number of occupiers and the age of the occupiers. The Council propose to generally allow the full 18 months to achieve compliance. We propose the following wording to put this into effect:-

The licence holder is permitted up to 18 months of this licence coming into force to ensure compliance with the following:

- The maximum permitted number of occupiers for each sleeping room.
- No sleeping room identified as suitable for use by a person aged less than 10 years is to be occupied by anyone older than 10 years.

If compliance is achieved before the 18 month period ends, this exemption automatically expires.

Finally, the Act requires a condition that requires licence holders to declare any rooms where the floor area is less than 4.64 square metres. The Council proposes the following wording:-

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The licence holder must notify the Council of any room in the property with a floor area of less than 4.64 square metres. As this information has already been provided as part of the application process, the licence holder must only further notify the Council if any changes are made to the property that result in the creation of any room with a floor area of less than 4.64 square metres.

Safety

Gas safety

If gas is supplied to the property, the licence holder must annually provide to the Council a copy of a gas safety certificate for the HMO obtained within the last twelve months.*

Note: where gas appliances are less than 12 months old, an installation record from the gas installer will be accepted.

This is a mandatory condition required under the Act. The Council recognises that a landlord's gas safety certificate may not exist for gas fittings that are less than 12 months old. To address this, the Council proposes to accept documents such as an installation record from the gas installer or a building regulations compliance certificate issued by the Gas Safe register.

Electrical Appliances & Furniture Safety

Where provided by them (including items left in the property at commencement of occupation), the licence holder must keep electrical appliances and furniture in the property in safe condition. The licence holder must provide to the Council a declaration as to the safety of these electrical appliances and furniture within 14 days of receiving a written demand from the Council.*

For the avoidance of doubt, the declaration must be in writing.

Any damaged or defunct electrical appliances or furniture provided by the licence holder in the house shall be repaired or replaced within 14 days of the matter coming to their attention or the attention of their manager.

Upon it being brought to their attention, any electrical appliances provided by the licence holder or their manager found in a condition likely to cause harm to occupiers or visitors shall be immediately isolated by them to prevent use pending repair or replacement within 14 days. If permission for this is refused by the occupier, the licence holder shall report this immediately to the Council.

Note: where the licence holder supplies goods, appliances, furniture and furnishings as part of the tenancy, these must comply with the following:-

- a) The Furniture and furnishings (Fire) (Safety) Regulations 1988.
- b) The Electrical Equipment (Safety) Regulations 2016.
- c) The General Product Safety Regulations 2005.

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The Act requires that additional licences include conditions requiring the licence holder:-

- ii) to keep electrical appliances and furniture made available by him in the house in a safe condition;
- ii) to supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture;

The Council proposes to allow landlords up to 14 days to provide a written declaration as to the safety of electrical appliances and furniture. This is to allow time for the licence holder or their representative to visit the property, assess the condition of appliances furniture, obtain expert advice where necessary and to return the declaration. The purpose of requiring the declaration to be in writing is to ensure there are no future disputes about the content of the declaration.

The Council also proposes to go beyond the basic requirement set out in the Act and to require licence holders to:-

- a) Repair or replace any damaged or defunct furniture or appliances within 14 days (rather than remaining silent on timescales for compliance). The Council believes it is appropriate to provide a timescale by which defective furniture or appliances are repaired or replaced to ensure this is done in a timely manner.
- b) Immediately isolate any electrical appliance that is found to be in an immediately dangerous condition. The intention of this part of the proposed condition is to protect residents, among other things, from the risk of electric shock or the possibility of a fire caused by a faulty electrical appliance. The licence holder would then be required to repair or replace within 14 days.

The Council accepts that licence holders can only act when disrepair to appliances or furniture comes to their attention (whether this through a report or a property inspection). The Council's proposed condition therefore intends the duties to repair, replace or isolate shall only operate from the point the licence holder or their manager becomes aware of the issue. The Council also recognises there may be occasions when occupiers refuse to allow dangerous electrical appliances to be isolated. In this circumstance, the Council proposes that the licence holder notify the Council.

Electrical installations

The licence holder must ensure that every electrical installation in the house is in proper working order and safe for continued use. Supply to the Council, within seven days of a written demand, a declaration by the licence holder as to the safety of such installations.*

For the avoidance of doubt, the declaration must be in writing and prepared by a person with the professional competency to declare on the safety of the electrical installation.

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Note: for the purposes of this condition, “electrical installation” means fixed electrical cables and fixed electrical equipment located on the consumer’s side of the electricity supply meter.

The Act requires that additional licences include conditions that require the licence holder:-

- i) to ensure that every electrical installation in the house is in proper working order and safe for continued use; and
- ii) to supply the authority, on demand, with a declaration by him as to the safety of such installations;

The Council proposes to allow licence holders up to seven days to provide a declaration as to the condition and safety of the electrical installation in the property. This matches the requirement already set out in the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 for landlords to ensure their electrical installations are tested at no more than five-year intervals.

For clarity, the Council proposes wording in this condition that makes clear the declaration must be in writing to avoid future disputes as its contents. The Council believes that licence holders should be required to evidence any declaration on the condition of the electrical installation. For this reason, the Council further proposes that the declaration must be prepared by a person who has the professional competence to inspect and test electrical installation. We would normally expect the declaration to take the form of an electrical installation condition report prepared by a competent electrical inspector.

Smoke alarms

The licence holder shall 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. The licence holder shall maintain each smoke alarm in proper working order. The licence holder shall supply to the Council, within 14 days of a written demand, a declaration as to the condition and positioning of any smoke alarms in the property. For the purposes of this condition, bathrooms and lavatories are to be considered by the licence holder as rooms used as living accommodation.*

For the avoidance of doubt, the declaration must be in writing.

The licence holder shall ensure that any battery smoke alarms fitted under this condition meet the requirements of BS EN 14604 and are installed and maintained in accordance with manufacturer’s instructions.

Note: it is unlikely that simple battery smoke detectors will be sufficient to address fire safety in HMOs. Any remaining risk shall be assessed using the Housing Health and Safety Rating System. Where required, the requirements for maintaining mains powered fire detection systems are set out below.

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The Act requires that additional licences include conditions that require the licence holder:-

- i) to 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, and
- ii) to keep each such alarm in proper working order;
- iii) to supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms.

The Council proposes to allow licence holders up to 14 days to provide a declaration as to the condition and positioning of such alarms. This timescale is proposed so that licence holders have enough time to gain entry to the property, assess the current condition of the detectors and to return this information to the Council. The proposed wording also makes clear the declaration would need to be in writing. The purpose of this is to ensure there is no future dispute as to the contents of the declaration.

The Council also proposes wording in this condition that specifies the standard to which the smoke alarms selected must comply and that these must be installed in accordance with the manufacturer's instruction. The purpose of this is to help ensure that smoke alarms will be effective and will raise the alarm in the event of a fire.

Mains Powered Automatic Fire Detection and Warning Systems

[Once installed], the mains powered automatic fire detection and warning system in the property shall be maintained as follows:-

- Grade A systems - the system shall be tested and serviced by a competent fire alarm engineer at least once every 6 months. A certificate shall be obtained from the engineer to show the alarm system is in proper working order and continues to comply with the relevant parts of the current edition of BS 5839. Such certificates shall be retained by the licence holder for the duration of this licence.
- Grade C and D system - the system shall be tested and serviced by a competent person at least once every 12 months in accordance with manufacturer's instructions. A written record shall be kept of any testing and servicing for the duration of this licence.

The licence holder shall retain any records collected under this condition for the duration of the licence. The licence holder shall supply to the Council, within 14 days of a written demand, copies of any records retained under this condition.

This is not a condition required by the Act, but HMOs are known to be at higher risk of a fire occurring within them. For this reason, it is very unlikely that simple battery smoke detectors alone will be enough to protect residents from harm in an HMO.

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The Council would assess this risk under Part 1 of the Act, which refers to the Housing Health and Safety Rating System.

The intention of this proposed condition is to help ensure that more complicated mains-powered and interlinked fire detection systems are serviced on a regular basis. This means that faults with these systems are more likely to be detected and rectified. In turn, this increases the likelihood the fire alarm system will activate if a fire starts.

The Council proposes this condition shall have wording that requires the licence holder to maintain records about the condition of these systems and to supply copies to the Council within a fixed period of a written demand. For consistency with the condition relating to smoke detectors, the Council proposes this period be 14 days.

Emergency lighting (where fitted)

Arrange once a year for a competent person to test the entire emergency lighting system within the property in accordance with BS 5266. Any necessary servicing or remedial work shall be carried out by the competent person. Obtain a certificate from the competent person to show the emergency lighting system is in proper working order and complies with the relevant parts of BS 5266. Such certificates shall be retained by the licence holder for the duration of this licence.

The licence holder shall retain any records collected under this condition for the duration of the licence. The licence holder shall supply to the Council, within 28 days of a written demand, copies of any records recorded under this condition.

This is not a condition required by the Act and the Council does not intend to apply it to all additional licences. **The Council does not intend to use additional licensing as a tool to mandate that all HMOs must have emergency lighting.** A decision on whether emergency lighting is required will instead be made using the Housing Health and Safety Rating System under Part 1 of the Act.

The Council proposes these conditions be applied to licences where emergency lighting is installed. The purpose of this is to require these systems are properly maintained in accordance with the relevant British Standards to ensure they work correctly in the event of a fire.

As with fire detection systems, the Council also proposes the licence holder be required to keep records and to supply copies on demand. For emergency lighting, the Council proposes 28 days the response period be no more than 28 days.

Fire blankets

Each kitchen shall be provided with a fire blanket compliant with the current edition of BS EN 1869. The base of the fire blanket shall be approximately 1.5 m above floor level. The fire blanket shall not be placed directly above or behind any cooking appliance.

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This is not a condition required by the Act, but the Council proposes that each additional licence will include this condition. Kitchens are one of the highest risk areas in HMOs for fire and fire blankets provided an inexpensive way of tackling many simple cooking related fires.

Carbon monoxide alarms

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 fixed combustion appliance other than a gas cooker. The licence holder shall keep any carbon monoxide alarm installed under this condition in proper working order. The licence holder shall supply to the Council, within 14 days of a written demand, a declaration as to the condition and positioning of carbon monoxide alarms in the property. For the purposes of this condition, bathrooms and lavatories are to be treated as a room used as living accommodation. The word "room" also includes halls and landings.*

For the avoidance of doubt, the declaration must be in writing.

The licence holder shall ensure the carbon monoxide alarms required by this condition meet the requirements of the current edition of BS EN 50291 and are installed and maintained in accordance with manufacturer's instructions.

The Act requires that additional licences include conditions that require licence holders:-

- i) 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 fixed combustion appliance other than a gas cooker;
- ii) to keep any such alarm in proper working order; and
- iii) to supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.

As with the condition relating to smoke alarms, the Council proposes to allow licence holders up to 14 days to provide a declaration as to the condition and positioning of carbon monoxide alarms. This timescale is proposed so that licence holders have enough time to gain entry to the property, assess the current condition of the detectors and to return this information to the Council. While licence holders may have general access to the common parts, experience shows there are occasions where boilers are in bedrooms (and hence so will be carbon monoxide detectors).

The proposed wording also makes clear the declaration would need to be in writing. The purpose of this is to ensure there is no future dispute as to the contents of the declaration.

The Council also proposes wording in this condition that specifies the standard to which the carbon monoxide detector selected must comply and that these must be installed in accordance with the manufacturer's instruction. The purpose of this is

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to help ensure that smoke alarms will be effective and will raise the alarm in the event of carbon monoxide being present in a property.

Tenancy management

Statement of terms

The licence holder shall supply to the occupiers of the property a written statement of the terms on which they occupy it.*

Note: this will normally take the form of a tenancy agreement, company let agreement or licence.

The Act requires that licences issued under additional licensing include this condition. The Council does not propose any additional wording beyond this.

Rent payments

If receiving rent payments in cash or by cheque, the licence holder shall provide a written receipt to the occupier for each transaction. The receipt shall state it is for the receipt of rent and shall document the following:-

- a) The name of the occupier paying the rent.
- b) The name of the person who received the rent.
- c) The date of payment.
- d) The amount paid.

The licence holder shall retain copies of receipts and other rental payments for the duration of this licence. The licence holder shall not allow anyone other than themselves or any manager named on this licence to collect rent in cash or by cheque.

This is not a condition that is mandated under the Act, but the Council proposes to apply it to all additional licences. The Council has dealt with many complaints where the occupier has paid their rent by cash or cheque but for which no receipt was provided. This has made it difficult to trace to whom the rent was paid and has led to arguments about whether there are rent arrears.

The proposed wording is intended to address this problem. By focussing on payment made by cash or cheque, the Council intends to tackle this issue while not imposing an unnecessary burden on landlords where payments are made by electronic means (and the banking system provides evidence of payment and receipt). In addition, the requirement about cash or cheque payments being collected by the licence holder or the manager named on the licence is intended to ensure clarity as to who has collected any rental payments.

Inventories

The licence holder must arrange for an inventory to be prepared at any change of occupancy of the property. The inventory shall detail the condition of the following:-

- a) The walls and ceiling (including décor).
- b) Carpets or other flooring.
- c) Any furniture or appliances provided.
- d) Fittings such as cupboards.
- e) Windows and doors.

A dated video recording showing the above is acceptable. The licence holder shall ensure the occupier is provided with a mutually agreed copy of the inventory within 14 days of the start of the occupier's residence in the property.

The licence holder shall retain copies of the inventory for the duration of each occupier's residence in the property. The licence holder shall also, within 14 days of receiving a written demand, supply to the Council a copy of the inventory.

This is not a condition that is mandated under the Act, but the Council proposes to apply it to all additional licences. When we are called upon to investigate complaints of disrepair, common disputes found include the condition of the property when handed over to the occupier and the extent to which the occupier has contributed to any adverse conditions in the property.

The Council's purpose in proposing this condition is to ensure there is an accurate, agreed record at the start of an occupier's residence at the property. This will help in maintaining property conditions by helping to identify where conditions are the result of the licence holder's neglect or the occupier behaving in an un-tenantlike manner.

The Council also proposes to set out what should be covered by the inventory. This is to ensure the contents of the inventory are meaningful.

Conditions relating to management of HMOs

Display of licences

A copy of the second page of this licence shall be displayed in the common parts of the property, securely fixed in position and readily visible to all occupiers.

This is not a condition that is mandated by the Act, but the Council proposes to add it to all additional licences. The purpose of this is to ensure that occupiers are aware of the occupancy limits for the property. This in turn will help ensure these limits are not breached.

Inspections

A visual inspection of the property, to include all furniture and electrical appliances made available within the house, shall be carried out at maximum intervals of three months. A written record of these inspections and any defects found, together with remedial action taken, must be kept for the duration of the licence and submitted to the Council within 14 days of a written request.

Where access has been refused to rooms under the exclusive control of an individual occupier, the licence holder shall make a record of the refusal and shall inform the Council of the refusal.

This condition is not mandated by the Act, but the Council proposes to add it to all additional licences. The purpose of this condition is to help ensure disrepair to the property or other issues for which the licence holder is responsible are detected and remedied in a timely manner. This in turn promotes the Council's objective of improving property standards.

The Council also recognises that some occupiers may refuse access to their individual lets within the property. We therefore propose wording that simply requires licence holders to report back to us if this situation occurs. This will allow us to determine whether further action is required by the licence holder.

Management folder

The licence holder must maintain a management folder for the property that contains the records and certificates required by the conditions of this licence. This folder may be in a digital format.

The folder shall be available for inspection by the Council within 14 days of a written request.

This condition is not mandated by the Act, but the Council proposes to add it to all additional licences. Through this condition, the Council seeks to promote good record keeping. In turn, the Council believes this will help promote good management of HMOs as licence holders will be able to detect any trends or developing issues that may impact upon the HMO.

Antisocial behaviour

The licence holder must take all reasonable and practicable steps for preventing and dealing with any anti-social behaviour that occurs on the property and that has been brought to their attention. This shall include co-operating with any reasonable request for assistance made by the Council or the Police.

This condition is not mandated by the Act, but the Council proposes to add it to all additional licences. By stating the licence holder "must take all reasonable and practicable steps", the Council recognises that licence holders would not have

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unlimited power to prevent anti-social behaviour. On the other hand, the requirement to co-operate with reasonable requests for assistance made by the Council or the Police is intended to prevent licence holders simply ignoring anti-social behaviour that is linked to their properties.

Through this approach, the Council intends to strike a balance between a) flexibility for licence holders in tackling anti-social behaviour and b) ensuring that licence holders must assist in reasonable efforts made by the authorities in preventing anti-social behaviour.

Conditions relating to amenities available for use by occupiers

All wash hand basins and sinks shall be connected to both hot and cold running water supplies.

This condition is not mandated by the Act, but the Council proposes to add it to all additional licences. Through this condition, the Council seeks to improve property conditions by ensuring good hygiene standards are maintained in relation to personal hygiene and food preparation.

The Council shall be contacted before any changes are made to the numbers of showers, baths, wash hand basins and toilets within the property or to the number of rooms containing these fittings, unless already approved by the conditions of this licence. Work shall not commence until written approval has been obtained from the Council. This condition does not apply to 'like-for-like' replacements or maintenance of existing fittings.

This condition is not mandated by the Act, but the Council proposes to add it to all additional licences. The total permitted number of occupiers will partly be determined by the number and availability of bathroom and toilet amenities in the property. This condition is intended to help ensure that the number and availability of these amenities will not be altered to the detriment of any existing occupiers. It is not intended to cover situations where a fitting must be replaced (for example, because it no longer fit for purpose) or minor fittings such as cabinets or mirrors.

Carry out such works as are necessary to ensure each bathroom, shower room and toilet compartment in the property has a suitably located extract fan or an openable window. The fan or window must vent to outside air.

This condition is not mandated by the Act and the Council does not propose to apply it to all additional licences. Rather, the Council intends to use this condition in situations where a bathroom, shower room or toilet compartment does not have ventilation to outside air. The Council does not intend to use this condition to automatically require that all such compartments have mechanical ventilation where a window is available. Instead, if the window ventilation is suspected to be insufficient, this assessment will be made using the Housing Health and Safety Rating System and any necessary action taken under Part 1 of the Act.

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The following minimum levels of kitchen amenities identified during the inspection shall be maintained in the property. Any request to deviate downward from the following minimum levels shall be put to the Council in writing before proceeding.

Total permitted number of occupiers	0
Number of cookers required ^{1,2}	0
Fridge capacity (litres) required	0
Freezer capacity (litres) required	0
Food cupboard capacity (cubic metres) required	0.00
Number of sinks required ³	0
Work surface space (square metres) required	1.00
Spare 13 amp sockets required	0

[To achieve the above minimum levels, the following is required:

<insert work to be done>]

Note: A cooker is defined as a cooking appliance with a hob with four rings or burners and an oven or the equivalent built-in appliances. The cooking appliance must be permanently installed. A microwave oven with combined grill/convection cooking options may be substituted for every second cooker. A dishwasher may be substituted for every second sink.

This condition is not required by the Act, but the Council proposes to apply it to all additional licences. The total permitted number of occupiers will partly be determined by amenities available for food preparation and storage. The intention of this condition is to ensure the numbers and availabilities of these amenities are not altered to the detriment of occupiers.

The proposed wording will make clear what, if any, improvement work is required by the licence holder. The Council intends that a reasonable timescale will be given for this work to be completed. This information will be provided either as part of this condition or as a separate optional condition.

The Council also proposes that, in line with the existing mandatory HMO licensing scheme, there be some flexibility of approach in determining what amenities are necessary. For example, a microwave oven with combined grill/convection cooking options can be substituted for every second cooker.

Any existing microwave ovens in communal kitchens shall be replaced with a microwave oven with grill/convection cooking options.

This condition is not mandated by the Act and the Council does not propose to apply it to all additional licences. The Council intends this condition to be applied in cases where a microwave oven with combined grill/convection cooking options is required

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to meet the Council's published amenity guidelines. It is not the Council's intention to use this condition as a mechanism to require such microwave ovens be provided if the amenity guidelines have otherwise been followed.

The following additional hygiene amenities shall be provided in addition to those that already exist:-

<Insert work>.

This condition is not mandated by the Act and the Council does not propose to apply it to all additional licences. The Council proposes this condition be applied in cases where the number or availability of bathroom, shower room or toilet amenities is insufficient for the number of occupiers as set out in our published amenity guidelines.

Security

Where window locks are provided, the licence holder shall provide the occupier with the keys for the locks.

The licence holder shall arrange for a change of door locks if a previous occupier fails to return all copies of keys.

If an intruder alarm system is fitted and is in working order, the licence holder shall ensure the occupier is provided with the code for the system and instructions on how to operate the system.

These are not conditions that are mandated under the Act, but the Council proposes to apply them to all selective licences. The Council believes that tenants being confident their homes are protected against intruders is an important part of well-being. In addition, occupiers being aware of how to operate any installed alarm system will be beneficial in both increasing security and decreasing the likelihood of nuisance alarms.

Waste

The licence holder shall ensure that the occupiers of the property are given the following information in writing about waste and recycling within 21 days of the start of their occupation:-

- a) The collection days for the household waste, recycling and food waste for the house.
- b) Details on what they can and cannot recycle.
- c) How they can dispose of bulky waste.
- d) How they can access the Re3 waste and recycling centre.

This information is available on the Council website at <https://www.reading.gov.uk/waste-and-recycling/> or at the Re3 website at <https://re3.fccenvironment.co.uk/site-facilities/>

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Unless the occupiers have access to a communal bin shared by more than one separate properties, the licence holder must ensure that adequate space and bins are provided for the storage of refuse and recyclables generated in the property. The licence holder shall also ensure that such bins are labelled with the number of the property. Where refuse generated by the occupiers exceeds a level that will be removed as part of the Council's normal collection service, the licence holder must also ensure that suitable lawful arrangements are made for the removal of any excess.

These are not conditions that are mandated under the Act, but the Council proposes to apply them to all additional licences. Waste being presented on the wrong day for collection or in the wrong bin can lead to delays in removal. This can result in issues such as vermin infestation, which in turn can impact upon health. Vermin such as rats can also cause significant property damage, so taking to reduce vermin activity supports the underlying objective of improving property conditions.

Administrative matters

The following are not conditions that are mandated under the Act, but the Council proposes to apply them to all additional licences.

Contact details

The licence holder shall notify the Council of any changes to their contact details within 28 days.

As part of the licence application process, the Council proposes to ask for contact details of all prospective licence holders. The purpose of this condition is to help ensure the Council can still contact the licence holder during the lifetime of a licence, even if they have changed their contact details.

Fit and Proper Person

The licence holder must notify Reading Borough Council of the following matters within 28 days if they:-

- (a) receive a criminal conviction or civil penalty for an 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) any court or tribunal finds they have 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;

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- (c) receive a criminal conviction or civil penalty for contravening 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 Housing Act 2004.

The licence holder must also notify Reading Borough Council if any person with whom they have associated or formally associated (whether on a personal, work or other basis) has, to their knowledge, done any of the things listed in (a) to (d) above.

As part of the application process, the Council will be checking the fit and proper person status of proposed licence holders. The Act sets out that the fit and proper status of persons associated with the proposed licence holder is a relevant factor in determining whether to grant a licence.

The purpose of this proposed condition is to provide for situations where the fit and proper person status of either the licence holder or an associate change during the lifetime of a licence. Licence holders would only be required to report a change of status of an associate if that change is within their knowledge; there would be no requirement for the licence holder to constantly monitor the status of anyone they have associated with. The Council believes this will balance the objective of the condition with what a licence holder can reasonably do.

New manager

The licence holder shall notify the Council in writing of the appointment of a new manager within 28 days from the date the change occurs.

Note: if a new manager is appointed, the Council may require them to supply details to prove they are a fit and proper person to hold a licence.

As part of the application process, the Council will be checking whether the proposed manager is a fit and proper person to manage rental properties. To guard against unsuitable persons being appointed as managers after the application process, the Council proposes this condition to help ensure that properties continue to be managed by persons who are fit and proper to do so.

Sale of property

The licence holder shall inform the Council if the property is sold.

By law, additional licences are not transferable. The purpose of this condition is to ensure the Council is aware if there is a change of ownership of a licensed property. This will facilitate the appointment of a new licence holder if the property is sold

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by revoking an existing licence where the licence holder no longer has control of the property.

Notification of licence holder overseas

<p>The licence holder, if normally managing the property themselves, must notify the Council in writing if they will be away from the United Kingdom for longer than one month. In the notification, the licence holder must provide to the Council details made for the management of the property in their absence, including the contact details for the person who will manage the property in their absence. This information must also be communicated to each of the occupiers.</p>
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The proposed wording of this condition is to help ensure there is suitable management of the licenced premises if the licence holder will be away from the UK for a lengthy period. The Council proposes more than one month as the threshold as it believes this meets the objective without placing an undue burden on licence holders. The Council's proposed requirement to provide information about the interim management is intended to ensure that problems with the property can be adequately addressed while the licence holder is away.