

SUMMARY of general conditions applicable to all licenced HMOs;

The following are the licence conditions which the licence holder (or their nominated agent where specified) must comply with, as required by Section 67 and Schedule 4 of the Housing Act 2004.

Failure to comply with one or more of these licence conditions could result in formal proceedings against you, with a maximum penalty of up to £5,000 and/or the loss of your licence.

Those conditions marked with an * are mandatory HMO licence conditions.

Documents to be displayed in the HMO

1. The licence holder shall ensure that a copy of the licence and all conditions are displayed in a conspicuous place in a common area at all times, along with the name and address and contact number of the landlord and any manager.
2. The licence holder shall ensure that a copy of the current gas safety certificate (if applicable) is displayed in a conspicuous place in a common area at all reasonable times.
3. The licence holder shall ensure that details of what action should be taken by tenants in the event of an emergency are displayed in a conspicuous place in a common area at all reasonable times.

Documents to be submitted to the local authority

- 4*. The licence holder shall submit annually to Swale Borough Council a copy of the annual gas safety certificate (if applicable).
5. The licence holder shall submit to Swale Borough Council a current periodic inspection report (less than 5 years old) for electrical installations within three months of the licence being granted.

A competent person must carry out the electrical safety inspection. (i.e. a member of a national electrical association e.g. NICEIC or ECA contractor) confirming installation complies with BS7671 and the latest IEE regulations.

Documents to be submitted to the local authority when asked

- 6*. The licence holder shall submit to Swale Borough Council when asked, a

declaration as to the safety of the electrical appliances.

- 7*. The licence holder shall submit to Swale Borough Council when asked, a declaration as to the condition and positioning of the smoke alarms.
- 8*. The licence holder shall submit to Swale Borough Council when asked, a declaration as to the safety of any furniture that has been provided by the licence holder.
9. The licence holder shall keep a register of all tenants and their corresponding room. This must be produced if requested by an authorised Council Officer, Police Officer or Fire Officer.

Documents to be provided to the tenants

- 10*. The licence holder shall provide each tenant with a written statement of the terms on which they occupy the house.

The written statement should include the following information: how deposits will be held and terms of return; an inventory of contents and condition at the commencement of the tenancy; details of rent and dates due, rent payment methods and how and when rent may be increased; and provide contact information for the property. A tenancy agreement document can be obtained from the Post Office, WH Smith, a stationers etc.

11. The licence holder shall provide each tenant with a legal written tenancy agreement. This should include a signed permission from the tenant to include their name in the register of tenants to comply with Data Protection Act 1998.

Management duties

12. The licence holder and manager shall ensure that the HMO is managed in accordance with the Management of Houses in Multiple Occupation (England) Regulations 2006.
- 13*. The licence holder shall ensure that all electrical appliances made available by the licence holder are kept in a safe condition.
- 14*. The licence holder shall ensure that a suitable BS 5839 smoke alarm system, fire precautions and fire fighting equipment are installed in the property and that they are kept in proper working order.
- 15*. The licence holder shall ensure that all furniture made available by the licence holder is kept in a safe condition and complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended in 1989 and 1993).
16. The licence holder shall ensure that the alarm and emergency lighting installations are serviced at least every 12 months in accordance with BS 5839 & BS 5266 respectively.

17. The licence holder shall keep a logbook of all maintenance/repairs/servicing of these installations, which shall be produced at the request of the tenants and/or Council inspector at all reasonable times.

You are advised to enter into a service/maintenance contract with an alarm system engineer to satisfy this condition.

18. Provide details of fire exit routes to tenants and, in respect of the fire alarm system, ensure that all tenants are aware of fire and fault indications, are adequately familiar with controls (e.g. resetting) and aware of measures to avoid false alarms. Tenants should be aware of what to do in the case of a fire.
19. The licence holder shall take all reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the HMO.
20. The licence holder shall ensure that the following maximum number of households and people occupying the HMO shall not be exceeded:

Room Location	Permitted Use	Maximum number of persons permitted to sleep in room

21. The licence holder must ensure that the house is compliant with any Council or Statutory standards for houses in multiple occupation.
- 22*. The floor area of any room in the HMO must not be used as sleeping accommodation by one person aged over 10 years if it is less than 6.51 square metres.
- 23*. The floor area of any room in the HMO must not be used as sleeping accommodation by two persons aged over 10 years if it is less than 10.22 square metres.
- 24*. The floor area of any room in the HMO must not be used as sleeping accommodation if it is less than 4.64 square metres.
- 25*. 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.
26. The licence holder shall allow entry to the common parts and rooms in the house by Council officers or Fire Officers at all reasonable times. All reasonable assistance shall be given to those officers in carrying out their duties.

27. 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.

Duty to notify the local authority

28. The licence holder shall notify the Council, in writing, about all incidents of fire, damage to equipment provided for fire safety purposes, criminal activities in the house and incidents involving carbon monoxide poisoning i.e. all fires, vandalism, gas poisoning (suspected or otherwise), etc.
29. The licence holder and their managing agent must inform the Council Licensing Section of any relevant changes in their circumstances including:
 - (i) any new convictions/cautions that may be deemed relevant to the fit and proper person test (as detailed in section 66 Housing Act 2004),
 - (ii) any change in ownership or management of the licensed property,
 - (ii) any substantial works carried out at the licensed property.
30. The licence holder must submit a completed licence application form to reapply for a licence 28 days prior to the expiry date of the existing licence.

Duty to carry out works

31. The licence holder and managing agent shall ensure the appropriate works as determined necessary by Swale Borough Council are undertaken to reduce any category 1 or 2 hazards to an acceptable level following an assessment of the residential property using the Housing, Health and Safety Rating System.
32. The licence holder must if required by Swale Borough Council attend training or otherwise demonstrate competence in relation to any applicable Code of Practice appropriate under section 233 of the Housing Act 2004.

Minimum facilities to be provided

33. Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food-
 - a) There must be a kitchen, suitably located in relation to the living accommodation, and of such a layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;

b) The kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the numbers of those sharing the facilities-

- i) Sinks with draining boards;
- ii) An adequate supply of cold and constant hot water to each sink supplied;
- iii) Installations or equipment for the cooking of food;
- iv) Electrical sockets;
- v) Worktops for the preparation of food;
- vi) Cupboards for the storage of food or kitchen and cooking utensils;
- vii) Refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
- viii) Appropriate refuse disposal facilities; and
- ix) Appropriate extractor fans, fire blankets and fire doors.

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 (min 1,000mm x 600mm for single person unit);
- d) Sufficient electrical sockets;
- e) A cupboard for the storage of kitchen utensils and crockery; and
- f) A refrigerator.

34. The following facilities must also be provided in the rooms if indicated below. Each amenity must be properly connected to waste and water supplies and wash basins, sinks, baths and showers must have adequate hot water supplies available at all times:

Room Location	Facility to be provided	Works to be completed by

35. 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) Where there are four or fewer occupiers sharing those facilities there must be at least one bathroom with a fixed bath or shower and a toilet (which may be situated in the bathroom);
 - b) Where there are five or more occupiers sharing those facilities there must be –
 - i) One separate toilet with wash hand basin with appropriate splash back for every five sharing occupiers; and
 - ii) At least one bathroom (which may contain a toilet) with a fixed bath or shower for every five sharing occupiers;
36. All baths, showers and wash hand basins in an HMO must be equipped with taps providing a satisfactory supply of cold and constant hot water and must be connected to an appropriate drainage system.
- a) All bathrooms in an HMO must be suitably and adequately heated and ventilated;
 - b) All bathrooms and toilets in an HMO must be of adequate size and layout;
 - c) All baths, toilets and wash hand basins in an HMO must be fit for the purpose.
37. [The licence holder shall carry out all the works detailed in the fire schedule dated..... within 2 months of the date of granting the licence.]
?
38. [The licence holder shall carry out all works in the general schedule dated within of the date of granting the license.]
?
39. [The licence holder shall not re-let the room/unit to any person.]
?