

WALSALL COUNCIL

1. LICENCE CONDITIONS FOR HOUSES IN MULTIPLE OCCUPATION

(Housing Act 2004 part 2 Section 67 and Schedule 4)

Address of property:	Full Address of Property
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These conditions must be complied with as any contravention may lead to formal enforcement action by the Council. Note that any reference to Licence Holder also applies to the Manager (where applicable) and both parties are jointly and severally responsible for full compliance with the above conditions. You should take advice from the Council or an independent body if you do not understand a condition.

Prescribed Conditions Required by the Housing Act 2004

<u>1</u> <u>Gas Safety</u>	If gas is supplied to the premises, the Licence Holder must provide to the Council a Landlord's <i>Gas Safety Record issued in accordance with the Gas Safety (Installation and Use) Regulations 1998 (as amended)</i> with respect to all gas appliances, fittings, flues and pipework. Such a Gas Safety Record must have been obtained from a competent person and be dated within the 12 months prior to the date of application for this licence.									
<u>2</u> <u>Furniture and Furnishings</u>	The Licence Holder must ensure that all upholstered furniture supplied by them for use by any occupier of the premises is compliant with the <i>Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended in 1989 and 1993)</i> . They must supply to the Council when requested, a declaration as to the safety of such furniture. Any such furniture which fails to comply with these regulations must be removed from the premises without delay and properly disposed of. Suitable replacement furniture must be provided as appropriate.									
<u>3</u> <u>Electrical Appliances</u>	The Licence Holder must ensure that all electrical appliances supplied by them for use by any occupier of the premises are maintained in a safe condition. They must supply to the Council when requested, a declaration as to the safety of such appliances.									
<u>4</u> <u>Smoke Alarms</u>	The licence holder must ensure that suitable smoke alarms are installed in the property and must keep them in proper working order. The licence holder must supply the authority with a declaration as to the condition and positioning of such alarms.									
<u>5</u> <u>Carbon Monoxide Alarm</u>	The licence holder must ensure that a carbon monoxide alarm is installed in any room with a fixed combustion appliance (gas cookers excluded). They must also repair and/ or replace faulty alarms, keep them in proper working order and supply the authority with a declaration as to the condition and positioning of such alarms.									
<u>6</u> <u>Tenancy Agreement</u>	The Licence Holder must supply to all occupiers of the house a written statement of the terms on which they occupy it.									
<u>7</u> <u>Bedroom Sizes</u>	<p>A room smaller than the specified relevant sizes below must not be used as sleeping accommodation and communal space in other parts of the HMO cannot be used to compensate for rooms smaller than the prescribed minimum.</p> <table style="margin-left: auto; margin-right: auto;"><thead><tr><th style="text-align: center;">Number of People</th><th style="text-align: center;">Age in Years</th><th style="text-align: center;">Minimum Bedroom Floor Area</th></tr></thead><tbody><tr><td style="text-align: center;">One person</td><td style="text-align: center;">over 10</td><td style="text-align: center;">6.51m²</td></tr><tr><td style="text-align: center;">Two persons</td><td style="text-align: center;">over 10</td><td style="text-align: center;">10.22m²</td></tr></tbody></table> <p>Any area of the room in which the ceiling height is less than 1.5m cannot be counted towards the minimum room size.</p>	Number of People	Age in Years	Minimum Bedroom Floor Area	One person	over 10	6.51m ²	Two persons	over 10	10.22m ²
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<u>8</u> <u>Waste Disposal</u>	The licence holder must ensure that suitable and adequate provision is made for the storage and disposal of domestic refuse from the house and that the council's arrangements for storage and waste disposal are adhered to.									



Additional Mandatory Conditions Which the Local Authority Has Included

<p><u>9</u> <u>Electrical Installation Condition</u></p>	<p>The Licence Holder must ensure that the fixed electrical installation of the premises is inspected and tested at intervals not exceeding five years. This must be carried out by a suitably qualified electrical contractor who should be a member of an approved scheme such as NICEIC, ECA, NAPIT and registered to undertake electrical works in accordance with part P of the Building Regulations. Electrical contractors that are on a relevant competent person scheme can be found at www.competentperson.co.uk</p>
<p><u>10</u> <u>Electrical Installation Remedial Works</u></p>	<p>All remedial works equivalent to C1, C2 or FI must be completed as specified and an updated test obtained.</p>
<p><u>11</u> <u>Electrical Installation Certification</u></p>	<p>Test reports on the condition of the electrical installation in the property must be provided to the Council within 7 days of the date of a demand.</p>
<p><u>12</u> <u>Emergency Escape Lighting</u></p>	<p>The Licence Holder must ensure that the premises is provided with a satisfactory emergency lighting throughout the communal fire escape route in according to the size, layout and type of accommodation. This must be inspected, tested and serviced by a competent person in accordance with the current British Standards.</p>
<p><u>13</u> <u>Automatic Fire Detection & Warning System Standard</u></p>	<p>The Licence Holder must ensure that an automatic fire detection and warning system that is designed and installed to the current applicable British Standard for Houses in Multiple Occupation and is maintained in proper working order.</p>
<p><u>14</u> <u>Fire Safety Certification</u></p>	<p>The licence holder must provide maintenance reports to Walsall Council on request within 28 days with regards to emergency lighting, fire detection and alarm systems. The maintenance must be undertaken by a qualified fire alarm engineer and certification provided to confirm the systems complies with the relevant British Standards.</p>
<p><u>15</u> <u>Fire Fighting Equipment</u></p>	<p>The Licence Holder must ensure that all firefighting equipment , where provided, is maintained in accordance with the manufacturer's recommendations and that replacement or refilled equipment is provided without delay following any usage which renders it no longer effective.</p>
<p><u>16</u> <u>Condition of Furniture</u></p>	<p>The licence holder will ensure that any furniture supplied at the start of a tenancy or licence is in safe and good condition and maintained or replaced as far as it is the Landlord's responsibility throughout the tenancy.</p>
<p><u>17</u> <u>Information that must be Displayed</u></p>	<p>A copy of the following documents should be displayed in a prominent position within the property at all times:</p> <ul style="list-style-type: none"> · This licence, or a copy of it · Gas Safety Certificate (If Supplied) · Name and address of Licence Holder OR their Manager · Contact Telephone Number of Licence Holder OR their Manager <p>A schedule of these licence conditions must also be available for viewing by any occupier either by providing copies to each person or by displaying adjacent to the licence</p>
<p><u>18</u> <u>Property Inspections</u></p>	<p>The licence holder shall ensure that inspections of the property are carried out at least every 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 inspection and any issues found and action(s) taken. Copies of these must be provided within 7 days of the Council's demand.</p>

<p><u>19</u> <u>Fit and Proper Persons</u></p>	<p>The Licence Holder shall ensure that any person or persons involved with the management of the house are to the best of their knowledge “fit and proper persons” for the purposes of Section 66 of the Act.</p>
<p><u>20</u> <u>Tackling Anti-Social Behaviour</u></p>	<p>The licence holder shall ensure that all reasonable and practical steps are taken to prevent and respond to anti-social behaviour. These include written tenancy management arrangements to prevent or reduce anti-social behaviour by persons occupying or visiting the property. Copies of these must be provided to the Council within 7 days of the Council’s demand.</p> <p>If the licence holder or manager / manager receive complaints of anti-social behaviour that concern the occupiers of, or visitors to the property or that result from their actions they must comply with requirements (a) to (h) below:</p> <ul style="list-style-type: none"> A) Ensure that written notes are kept of any meetings or telephone conversations or investigations regarding anti-social behaviour. b) If a complaint is received, or anti-social behaviour is discovered, within 7 days the tenant must be informed of the allegations of anti-social behaviour in writing and of the consequence of its continuation. c) Take all necessary steps to establish if it is continuing. d) Where the anti-social behaviour is continuing after 14 days from receipt of the complaint, the licence holder, or their manager must, within 7 days visit the premises and give to the tenant, or leave at the property marked for their attention, a warning letter advising them of the possibility of eviction. e) Where the licence holder or his manager has reason to believe that the anti-social behaviour involves criminal activity the licence holder must ensure that the appropriate authorities (e.g. Police, Council etc.) are informed. f) If after 14 days of giving a warning letter the tenant has failed adequately to address the anti-social behaviour so that it is continuing, the licence holder must take appropriate formal steps under the tenancy agreement, whether to enforce its terms or to terminate it, including, where necessary, by taking legal proceedings against the occupier(s). g) Where the obligation under (f) has arisen, the licence holder must, within 7 days, provide to the Council in writing a plan setting out the steps they proposes to take, and the timescale for taking those steps, in order to resolve the problem h) If the licence holder is invited to do so, they must attend a case conference or Multi-Agency Meeting arranged by the Council or Police (whether following the provision of a plan referred to at (g) above, or generally. <p>There may be instances where anti-social behaviour occurs more than once, but not continuously and possibly several months apart. In such circumstances the licence holder would still be expected to take all reasonable and practical steps to ensure it is effectively dealt with, up to and including eviction.</p>
<p><u>21</u> <u>Notification of Change of Circumstances</u></p>	<p>The licence holder must inform, in writing, the Council within 21 days of any material change in circumstances including:</p> <ul style="list-style-type: none"> • Change of their address • Change of manager, management arrangements or ownership • Any changes to the manager’s or any associate’s circumstances which could affect their fit and proper person status i.e. any cautions or convictions for any offence involving fraud, dishonesty, violence, drugs, sexual offences (under Sexual Offences Act, schedule 3) discrimination or breach of housing or landlord/tenant law • Any changes to the manager’s or any associate’s circumstances which could affect their fit and proper person status i.e. any cautions or convictions for any offence involving fraud, dishonesty, violence, drugs, sexual offences (under Sexual Offences Act, schedule 3) discrimination or breach of housing or landlord/tenant law • Any proposed changes to the layout of the house that would affect the licence or licence conditions. <p><i>Licence holders should note that some of the changes above may result in either a new application or a variation being required to an existing licence.</i></p>
<p><u>22</u> <u>Preventing and Tackling Overcrowding</u></p>	<p>The number of persons residing in the premises at any one time shall not exceed the maximum number of occupants stated on the licence. The licence holder must not allow the property to be overcrowded and communal rooms (e.g. living rooms) must not be used as bedrooms. If the licence holder becomes aware of overcrowding at the property, they</p>

	must take all reasonable steps to deal with the issue and advise the authority of the actions taken.		
23 Care of Common (Shared) Areas	<p>The licence holder must make arrangements to ensure that:</p> <ul style="list-style-type: none"> • The common parts in the premises are kept free from obstruction, in a clean condition and in good order and repair. • Common areas, including shared living rooms, kitchens, and hallways are not used for sleeping by tenants or their guests. • Smoking is not permitted in any common area. 		
24 Maintenance of External Areas	<p>The licence holder must ensure that:</p> <ul style="list-style-type: none"> • At the beginning and for the duration of each letting, the garden and external areas of the property must be free of refuse, litter and excess vegetation and maintained in a reasonable state of repair. • Fencing and other external elements are properly maintained, kept in a clean, clear and/or sound condition. 		
25 Bin Provision for Waste Collection and Disposal	The licence holder shall ensure that suitable and adequate provision is made for refuse storage and collection which comprises of closable bins of suitable capacity; including for recycling as specified by Walsall council. The Council currently operates the following 3 kerbside collection services:		
	Type of Waste	Collection Frequency	Minimum Capacity of Wheeled Bins
	Domestic household general waste	Fortnightly	140 litre (a bigger bin may be provided in line with the Council's policy for properties occupied by 5 or more persons)
	Domestic household dry recyclable materials (commingled)	Fortnightly	240 litre
	Household garden waste	3 weekly	240 litre
	<p>Bin collection days for properties in Walsall can be found at: https://www.walsall.gov.uk/waste/bincollections</p> <ul style="list-style-type: none"> • The licence holder shall ensure so far as is reasonably possible that the occupiers make arrangements for the collection of waste in accordance with these provisions and, when the property is unoccupied, adhere to these provisions themselves. • The licence holder is also responsible for ensuring that any kind of refuse which the Council will not ordinarily collect (e.g. large items of furniture, hazardous waste etc.) are disposed of responsibly and appropriately. 		
26 Information Provision for Waste Collection and Disposal	<p>The licence holder shall at the beginning of a tenancy provide written information to the occupiers of the property indicating:</p> <ul style="list-style-type: none"> • which day refuse collections will take place; • what type of bins to use for household and recycling waste; • details of the Council's bulky waste collection service; • the occupiers responsibility to put bins out no earlier than 4pm on the day before collection (and be presented by at least 6.30am on collection day) and to return refuse containers within the boundary of the property on the same day that they are emptied or at the latest by 6.30am the day after the collection; • that occupiers should make arrangements for any extra rubbish that cannot fit in the bins to be collected and/or disposed of as soon as is reasonably possible and ensure that such rubbish, where possible, is stored at the rear of and within the boundary of the property until collection/disposal; 		
27 Provision of Amenities for Cooking, Food Storage and Space Heating	<p>The Licence Holder must ensure that the premises are provided with sufficient and adequate standard amenities for use by the current or intended number of occupiers for Cooking, Food Storage and Space Heating in line with our 'HMO Amenities Standards' which can be found on the following link https://go.walsall.gov.uk/hmo_licensing</p>		
28 Rent and other charges	<p>You must give written receipts to tenants at the time the payment is made for any rent paid in cash. Where rent is paid weekly you must provide a rent book or similar document and this must be kept up to date.</p>		

	During the fixed term of the tenancy agreement, any rent increase proposed must be through the appropriate legal procedure (currently Housing Act 1988 s.13).
29 Tenancy Deposits	Where a deposit is taken the licence holder must provide the tenant with the relevant information about the deposit scheme to which it is protected. In addition to giving the prescribed information to the tenants, you, or your manager, must keep a record of having given this information, such that you have clear evidence of the information having been given to the tenant. Where the deposit is paid in cash, a receipt should be issued stating clearly what this money is for, and the grounds for a refund.
30 Termination of Tenancies	The Licence Holder must use lawful means to seek repossession of the property from any tenant/s or licencees.
31 Lock Changes	Where previous tenants have not surrendered keys, the licence holder will arrange for a lock change to be undertaken, prior to new tenants moving in.
32 Occupancy Levels	All of the bedrooms must not be occupied by more than a single person.
33 Right to Rent Checks	You must ensure that you undertake all lettings in line with the Right to Rent Scheme including but not limited to securing references. https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check .
34 Training	In the event that the Council confirms the presence of significant and/or continuous deficiencies in the supervision and/or maintenance of a licensed HMO the licence holder and/or manager may be required by the Council to attend an accredited management training course.
35 Remedial Works Required	Any outstanding remedial or improvement works will be specified here

Advisory Notes:

To help prevent / tackle ASB the Council recommends:

The licence holder is required to demand references from persons who wish to occupy the house and shall supply evidence of these to the local authority within 7 days of demand. The reference should provide testimony as to the tenant's past record of keeping to tenancy conditions and not committing anti-social behaviour, or provide other genuine and significant evidence as to the likelihood of them keeping to tenancy conditions and not committing anti-social behaviour. The reference must also provide the referee's name, address and either an up to date telephone number or email address. Copies of these references shall be kept for the duration of this licence.

To help minimise potential for disputes the Council recommends:

To help prevent disputes the Council recommends that landlords consider the use of inventories and suggests that before the tenant "checks in" a detailed inventory should be completed by the licence holder. It is best practice for the inventory to be initialled on all pages by both parties, signed and dated by them on the last page. A copy should be provided to the tenant whilst retaining a copy for your own records. The inventory procedure should be repeated for "check out" inventory at the end of tenancy. Note: Inventory covers items included within the tenancy and the condition of the Property.