

Housing Act 2004 - Licensing of Houses in Multiple Occupation

Licence Conditions

General Conditions – applicable to all licensed Houses in Multiple Occupation (HMO's)

1. A copy of the licence shall be displayed within the common parts of the dwelling.
2. The licence holder must supply to the occupiers of the house a written statement of the terms on which they occupy it.
3. The licence holder shall submit a copy of the tenancy agreement to Durham County Council within 14 days of the property becoming occupied.
4. The dwelling shall be occupied by no more than xxxx persons.
5. The dwelling is categorised as a [shared house] [bedsit] HMO. Any change in the style or nature of occupation shall be notified to Durham County Council in writing, including a copy of any revised tenancy agreement.
6. The dwelling shall comply with the prescribed standards and management practices for deciding the suitability for occupation of a house in multiple occupation, as set down in Schedule 3 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 SI No. 373, and the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) Regulations 2007 SI No. 1903.
7. The dwelling shall comply with the Durham County Council's adopted standards for [shared house] [bedsit] HMO's.
8. The licence holder must display, within the common parts of the house, his or her contact details together with those of any manager or agent appointed in connection with the running of the house. This must include their: -
 - Name
 - Address
 - Contact Telephone Number (and alternative contact number(s) if the licence holder and / or manager cannot be contacted within a 24 hour period by a tenant or relevant Durham County Council Officer).
9. The Licence holder shall provide a copy of the current gas safety certificate to Durham County Council within 14 days of its renewal. The certificate must be issued by a gas safe registered engineer confirming

that all appliances, flues and installation pipe work provided for use by the tenants are in a safe condition.

10. The Licence holder shall provide a copy of a Periodic Inspection Report (PIR) for the electrical installation to Durham County Council, confirming that the installation is safe for use, as specified in BS7671: 2008. The electrical certificate must be issued by a 'competent person' and be valid for a period of not less than 5 years from the date of inspection. The following installations, where applicable, shall be inspected and tested:

- General electrical installation
- Fire alarm system
- Smoke / heat detection system
- Emergency lighting system

A 'competent person' means an approved electrical contractor who is a member of one of the following organisations, or registered with them as an authorised competent person: - NICEIC, BRE Certification Ltd, British Standard Institution, ELECSA Ltd, or NAPIT Certification Ltd. Similar schemes / organisations as approved by the Department of Communities and Local Government will also be acceptable. In exceptional circumstances, the Council may accept a PIR from an electrician who is not registered by one of the aforementioned organisations, upon consideration of the person's proof of qualifications.

11. The Licence holder shall provide a copy of the current annual Portable Electrical Appliances Test (PAT) Report for all such appliances provided by the landlord. The Report must be issued by a 'competent person' in accordance with the Institute of Electrical Engineers Code of Practice for In-Service Inspection of Testing of Electrical Equipment. A 'competent person' has the same meaning as that for clause 10.

12. The Licence holder must notify Durham County Council in writing prior to any transfer of ownership or management of the dwelling.

13. The Licence holder must seek and obtain written permission from Durham County Council before making any material changes to the layout, amenity provision, fire precautions or mode of occupation.

14. The Licence holder must notify the tenants and Durham County Council in writing immediately of any change of their circumstances in connection with the running of the dwelling. Such changes include home address and contact details or those of any manager or appointed agent.

15. The Licence holder shall ensure that at all times gardens, yards, and other areas within the curtilage of the dwelling are kept in a clean and tidy condition and free from infestations.

16. The Licence holder shall take all reasonable and practical steps to prevent, or where appropriate reduce, anti-social behaviour by persons occupying or visiting the dwelling. If requested, written notification of any such steps shall be given to Durham County Council within 10 working days from the date of the request.
17. The Licence holder shall provide a written Fire Risk Assessment (FRA) for the dwelling in accordance with the requirements of the Regulatory Reform (Fire Safety) Order 2005. The FRA shall contain, as a minimum, such information and instructions so as to record:
- Any significant findings identified from carrying out the FRA
 - Identification of any fire hazards, including details of sources of ignition and sources of fuel
 - Persons at risk from any fire hazards
 - Measures required to evaluate, remove, reduce and protect from risk
 - Details of the person carrying out the FRA, the date the FRA was carried out and the date of the next review.

A copy of the FRA shall be displayed at the premises and a further copy provided to Durham County Council. This assessment must be reviewed at least annually and updated to reflect any changes that may occur.

18. The Licence holder shall ensure that appropriate fire precautions are provided within the dwelling in accordance with statutory and/or local guidance and maintained in proper working order. The licence holder shall, on demand, submit a written declaration to Durham County Council as to the condition and positioning of all equipment, within 10 working days from the date of the request.
19. The Licence holder shall ensure that appropriate instruction and or training is given to each tenant at the beginning of their occupancy, regarding all fire precautions and equipment provided in the dwelling. This must include, but not limited to, understanding the alarm systems, the importance of the fire doors, and protecting the escape route, keeping the escape route free of obstructions and the use of fire fighting equipment.
20. The Licence holder and or his/her manager must not unreasonably cause or permit the gas or electrical supply that is used by any occupier at the dwelling to be interrupted.
21. The Licence holder and or his/her manager must not unreasonably cause or permit the water supply or drainage system that is used by any occupier at the dwelling to be interrupted.
22. The Licence holder must ensure that suitable refuse / recycling receptacles are provided for the storage of household refuse within the accommodation, and also, that there are adequate receptacles for the

storage of rubbish within the boundary of the dwelling. These receptacles must be made readily accessible to the refuse / recycling collection service on the day of collection and the empty containers returned within the boundary of the property as soon as practicable.

23. The Licence holder shall ensure that all 'relevant furniture' provided by the landlord meets the Furniture and Furnishings (Fire) (Safety) Regulations 1988 and shall, on demand, submit a written declaration to Durham County Council as to the condition of all 'relevant furniture', within 10 working days from the date of the request.

'Relevant furniture' means most items of furniture provided by the landlord including sofas, beds, mattresses, pillows and cushions. It does not include carpets, curtains or duvets. The Regulations apply to all furnishings within lettings commencing after 1st January 1997, but do not apply to furniture made before 1950 or to re-upholstered furniture made before that date.

If confirmation cannot be ascertained that all relevant furniture meets the requirements of the Regulations, the Licence holder shall take all appropriate steps without delay to remove, or otherwise make safe, all non-compliant items.

24. The Licence holder shall ensure that deadlocks on final exit doors and any exit windows must be capable of being operated without the use of a key.

Advisory: Final exit door(s) should be fitted with a five lever mortise deadlock conforming to BS EN 12209 Security Grade 3 (minimum) and cylinder conforming to BS EN 0130 Security Grade 3 (minimum), allowing escape from the building without use of a key e.g. thumb turn release.

25. The Licence holder shall ensure compliance with any requirement set down within Part B – Specific Conditions - as they may relate to the dwelling to which this licence is for the time being in force.

26. The Licence holder must, if required by the Council, attend training or otherwise demonstrate competence in relation to any Code of Practice appropriate under section 233 of the Housing Act 2004.

27. The licence holder must be resident in the UK.

28. The licence holder must inform Durham County Council in writing within 14 days of any 'relevant criminal convictions', including impending cases and those subject to appeal proceedings.

'Relevant criminal conviction' means

- Any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- Practising of unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business.
- A contravention of any provision of the law relating to housing, public health, environmental health, or of landlord and tenant law.
- Being refused a licence or had a licence revoked for any property in relation to HMO, additional or selective licensing under the Housing Act 2004.
- Being the owner or manager of any property that has been the subject of an interim or final management order or a special management order under the Housing Act 2004.
- Demonstrating any conduct or business practices which are considered by Durham County Council to indicate unsuitability to be a licence holder or manager of a licensed property.

Footnote to Conditions:

The above conditions do not over-ride other legislative responsibilities incumbent on persons in control of private rented properties. It follows that proceedings may be considered by a number of appropriate enforcing authorities for offences relating to housing conditions, tenancy conditions, fraud and other criminal matters.