

## **CABINET – 1<sup>ST</sup> JULY 2021**

### **Report of the Head of Strategic and Private Sector Housing Lead Member: Councillor Mercer**

#### **Part A**

#### **ITEM 7      ADDITIONAL AND SELECTIVE LICENSING SCHEME - LICENCE CONDITIONS**

##### Purpose of Report

To approve the licence conditions for the introduction of an Additional Licensing Scheme across the Borough and Selective Licensing Scheme in Hastings and Lemyngton wards.

##### Recommendations

That Cabinet:

1. Note the outcome of the Additional and Selective Licensing Scheme Licence Conditions consultation exercise (Appendix 1 and 2).
2. Approve the Licence Conditions for the new Additional and Selective Licensing Schemes (Appendix 3 - Houses in Multiple Occupation Licensing Scheme Licence Conditions and 4 - Selective Licensing Scheme Licence Conditions).
3. Approve the use of the Houses in Multiple Occupation Licensing Scheme Licence Conditions for all Mandatory Houses in Multiple Occupation licence applications and renewals.

##### Reasons

1. To enable the Cabinet to consider the information and evidence gathered.
2. The licence conditions will be introduced and implemented when the Additional and Selective Licensing Schemes are introduced in January 2022.
3. To align the existing Mandatory Licence Conditions for Houses in Multiple Occupation with the new Additional Licensing Scheme for Houses in Multiple Occupation from January 2022.

##### Policy Justification and Previous Decisions

The Scrutiny Management Board considered the findings and recommendations of the Managing Student Occupancy Scrutiny Panel at its meeting held on 19th March 2014 and the Cabinet subsequently considered the report on 10th April 2014. The Board then received three reports on the implementation of decisions taken following Scrutiny recommendations. The final report, considered on 28th October 2015, showed that the

implementation of all Cabinet resolutions was sufficiently complete and no further monitoring was required.

However, the Board resolved to make two further recommendations to the Cabinet (detailed in Part B of this report).

At its meeting held on 15th November 2015, having considered the report of the Scrutiny Management Board, the Cabinet resolved the following:

1. *that the Head of Strategic and Private Sector Housing further investigate the potential to implement a Loughborough Accreditation Standard in partnership with the Loughborough Students Union;*
2. *that the Head of Strategic and Private Sector Housing consider the submission from the Loughborough Student Advisory Service of complaints data from 2014/15 and evaluate this alongside the evidence that has already been collated;*
3. *that the Head of Strategic and Private Sector Housing submit a report to a future meeting of the Cabinet to provide updates on the evidence gained and the actions taken in relation to resolutions 70.1 and 70.2, above.*

#### Reasons

1. *If this can be achieved, it will assist in improving standards in the student Private Rented Sector and raise awareness among students about some of the risks associated with poor housing standards.*
2. *To determine whether there are further options for investigation.*
3. *To enable the Cabinet to consider the evidence gained and the potential for further initiatives.*

#### **The Cabinet meeting on the 17<sup>th</sup> January 2019 resolved:**

1. That the evidence gathered to date and the impact of the implementation of the Government's expansion of the Mandatory Licensing of HMOs in the Borough be noted;
2. That further investigations being undertaken to gather evidence (as referred to in paragraph 61 of Part B of the report of the Head of Strategic and Private Sector Housing) to establish the case for the introduction of an Additional or Selective Licensing Scheme be approved;
3. That it be noted that a Borough wide Accreditation Scheme with the Students Union will not be taken forward.
4. That the report of the Overview Scrutiny Group be noted.

#### Reasons

1. To enable the Cabinet to consider the evidence gained.

2. Further information and evidence is required for Cabinets consideration and the consultation process required to introduce an Additional or Selective Licensing Scheme.
3. Resources were no longer available from the Student Union to take a Scheme forward.
4. To acknowledge the work undertaken by and the views of the Overview Scrutiny Group.

**The Cabinet meeting on the 16<sup>th</sup> January 2020 resolved:**

1. That the proposals for Private Sector Licensing be noted;
2. That the supporting evidence and risks be noted;
3. That the proposal for a consultation exercise be approved, as required by Section 56(3) of the Housing Act 2004 for Additional Licensing and Section 80(9) of the Housing Act 2004 for Selective Licensing;
4. That a one-off budget of up to £30,000 be approved to be funded from the Reinvestment Reserve in 2019/20 to undertake the consultation exercise;
5. That the report of the Scrutiny Commission be noted.

**Reasons**

- 1&2. To enable the Cabinet to consider the information and evidence gathered.
- 3&4. To use the Reinvestment Reserve to fund the statutory consultation to support the implementation of an Additional and Selective Licensing Scheme in consultation with the respective Lead Members.
5. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

**The Cabinet meeting on the 10<sup>th</sup> December 2020 resolved:**

1. That the outcome of the Discretionary Private Sector Housing Licensing consultation exercise be noted;
2. That the proposal to declare Charnwood Borough as an area for Additional Licensing to be implemented from April 2021 be approved;
3. That the proposal to declare the two wards Hastings and Lemington an area for Selective Licensing to be implemented following approval from the Secretary of State be approved;
4. That the proposed draft licence conditions for both schemes, attached as

Appendix 1 to the report, and for a consultation exercise to be undertaken for a period of 6 weeks from the 18th January 2021 to the 26th February 2021 be approved;

5. That an initial budget for £65k to set up the two schemes and commence recruitment of staff to deliver the two licensing schemes until the licence fees are received be approved;
6. That the report of the Scrutiny Commission be noted.

### Reasons

1. To enable the Cabinet to consider the information and evidence gathered.
2. The scheme will cover all HMOs, irrespective of the number of storeys that are occupied by 3 or 4 unrelated persons and all Section 257 HMOs (buildings converted into self-contained flats) where the building is wholly occupied by tenants.
3. The scheme will cover all Private Sector Rented properties in the two wards Hastings and Lemyngton other than those licensed through the Mandatory HMOs Licensing Scheme or the proposed Borough Wide Additional Licensing Scheme for HMOs.
4. To allow feedback on the draft licence conditions.
5. To allow the schemes to be set up and the recruitment of officers to implement the two proposed licensing schemes in advance of the licence fees being received.
6. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

### Implementation Timetable including Future Decisions and Scrutiny

If Cabinet approve the licence conditions for the Additional and Selective Licensing Schemes:

- A Public Notice will be published in September 2021 to advise of the implementation of the Borough wide Additional Licensing Scheme and the Selective Licensing Scheme in the two wards of Hastings and Lemyngton. The Selective Licensing Notice will provide the details of all the streets in the two wards that will be covered.
- The Notices will be published for a period of three months prior to the implementation of the Schemes.
- The Schemes will be implemented from January 2022.
- For the Mandatory Houses in Multiple Occupation Licensing Scheme the new Licence Conditions will be implemented for all new applications and renewals from January 2022.

## Report Implications

The following implications have been identified for this report:

### *Financial Implications*

If Cabinet approve the licence conditions for the schemes, the licence fee income will pay for the implementation of the scheme, making the schemes cost neutral as per 10<sup>th</sup> December 2020 Cabinet Report. The schemes will be implemented in January 2022 when applicants will have to apply and pay for their licence fee prior to the approval of their licence. The licence fee is paid in two parts.

Set up costs were approved on 10<sup>th</sup> December 2020 Cabinet report and staff need to be in place to implement the scheme from January 2022.

The exact number of licences issued will not be known until the schemes are operational.

### *Risk Management*

There are no risks associated with the decision Cabinet is asked to make.

Key Decision: Yes

Background Papers: Cabinet, 10<sup>th</sup> December 2020 – Agenda Item 7 and Minute 61.  
Cabinet, 16<sup>th</sup> January 2020 – Agenda Item 7 and Minute 67.  
Cabinet, 17<sup>th</sup> January 2019 – Agenda Item 8 and Minute 75.  
Overview Scrutiny Group, 14<sup>th</sup> January 2019 – Agenda Item 6B and Minute 47.  
Scrutiny Management Board, 18<sup>th</sup> March 2015 – Agenda Item 8 and Minutes 53.2 and 53.3.  
Scrutiny Management Board, 8<sup>th</sup> October 2014 – Agenda Item 8 and Minute 26.  
Cabinet, 10<sup>th</sup> April 2014 – Agenda Item 6 and Minute 120.  
Scrutiny Management Board, 19<sup>th</sup> March 2014 – Agenda Item 8 and Minute 51.  
Cabinet Report, 19<sup>th</sup> November 2015 – Referral from Scrutiny – Managing Student Occupancy Scrutiny Panel – Agenda Item 6 and Minute 24.  
Agendas and notes of the Managing Student Occupancy Scrutiny Panel meetings, available on the Council's website at:  
[http://www.charnwood.gov.uk/committees/managing\\_student\\_occupancy\\_scrutiny\\_panel](http://www.charnwood.gov.uk/committees/managing_student_occupancy_scrutiny_panel)

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## **Part B**

### **Background**

1. The Cabinet considered a report of the Scrutiny Management Board on 19th November 2015 when it was resolved that the Head of Strategic and Private Sector Housing should further investigate the potential to implement a Loughborough Accreditation Standard in partnership with the Loughborough Students Union; and consider the submission from the Loughborough Student Advisory Service of complaints data from 2014/15 and evaluate this alongside the evidence that had already been collated in relation to potentially introducing an Additional or Selective Licensing Scheme.
2. The Cabinet considered a report from the Head of Strategic and Private Sector Housing on the 17th January 2019 when it was resolved that further investigations be undertaken to gather evidence (as referred to in paragraph 61 of Part B of the report of the Head of Strategic and Private Sector Housing – see Background papers) to establish the case for the introduction of an Additional or Selective Licensing Scheme be approved.
3. The Cabinet considered a report from the Head of Strategic and Private Sector Housing on the 16<sup>th</sup> January 2020 when it was resolved that a consultation exercise be undertaken, as required by Section 56(3) of the Housing Act 2004 for Additional Licensing and Section 80(9) of the Housing Act 2004 for Selective Licensing.
4. The Cabinet considered a report from the Head of Strategic and Private Sector Housing on the 10<sup>th</sup> December 2020 when it was resolved to declare Charnwood Borough as an area for Additional Licensing and the two wards Hastings and Lemyngton an area for Selective Licensing. Approved the proposed draft licence conditions for both schemes, a consultation exercise to be undertaken for a period of 6 weeks from the 18th January 2021 to the 26th February 2021 be approved.

### **Consultation Exercise**

4. The Council undertook a consultation exercise for the proposed Additional and Selective Licensing Scheme Licence Conditions over a 6 week period between the 18<sup>th</sup> January and the 26<sup>th</sup> February 2021.
5. The consultation exercise included
  - A dedicated web page launch
  - A dedicated email address for comments
  - Online questionnaire
  - Direct contact with Landlords/Letting Agent whose details the Council hold
  - Virtual Landlords Forum facilitated by Decent And Safe Homes (DASH)

6. The proposed Licence will have two parts:

- Part I Mandatory Conditions which cover conditions such as gas supply; electrical appliances; furniture; smoke alarm; carbon monoxide alarm and household waste conditions
- Part II Additional Conditions which will differ between the two licensing schemes for example space standards required for HMO licensing and the demand for references for residents living in selective licensing areas

### Additional Licensing Scheme – Licence Conditions

7. The summary of the consultation exercise (Appendix 1) for the Additional Licensing Scheme Licence Conditions:

- 143 survey responses, plus letters and emails
- 69 responses (48%) from Landlord/Letting Agents
- 69 responses (48%) from Residents
- 82 (57%) overall support to Licence Conditions

Responses to suggested conditions:

Condition	Survey Responses
7 – Security	62% Support
9 – Pests	70% Support
11 – External Areas	68% Support
15 – References	55% Support
17 – Terms of Occupation	90% Support
18 – Tenants Rights	61% Support
19 – Licence Holder/Manager Details	84% Support
20 – Complaints Procedure	64% Support
21 – Anti-social Behaviour and Damage	68% Support

8. Having considered the feedback from the consultation exercise the following conditions will be included in the licences to be issued:

Condition	Additional Licensing	Comments
1 – Space Standards for Sleeping Accommodation	Amended/consultation comments	Reflect any floor area to be used in calculation, difficult to enforce one bed per child



Condition	Additional Licensing	Comments
2 – Requirement for Works to be Carried out	Retained	Mandatory requirement as Works may be required to grant the Licence
3 – Gas Safety	Reworded/consultation comments	Gas Safety (Installation and Use) Regulations 1998 Added in defects rectified
4 – Electrical Installation and Safety	Wording simplified/consultation comments	Electrical Equipment (Safety) Regulations 1994 requirement  The regulations cover all regulations and failure to comply
5 – Furniture and Furnishings	Amended/consultation comments	Furniture and Furnishings (Fire Safety) Regulations 1988 requirement  Requesting a declaration by the Licence Holder rather than a certificate to confirm the safety of items provided
6 – Heating and Insulation	Deleted following analysis of consultation comments	Covered under Part 1, Housing Act 2004, Housing Health and Safety Rating System
7 – Security	Deleted following analysis of consultation comments	62% support for this condition, can be covered under Part 1, Housing Act 2004, Housing Health and Safety Rating System
8 – Storage and Collection of Household Waste	Retained	Requirement of the Licence Holder to comply with Charnwood Borough Council waste collection scheme
9 – Pests	Retained/consultation comments	70% support for this to be included as a condition
10 – Water Supply and Drainage	Retained	Mandatory requirement
11 – External Areas	Retained/consultation comments	68% support for this to be included as a condition
12 – Property Conditions	Deleted following analysis of consultation comments	Covered under Part 1, Housing Act 2004, Housing Health and Safety Rating System
13 – Emergency Escape Lighting	Wording simplified/consultation comments	Mandatory requirement Wording to reflect BS and or other standard

Condition	Additional Licensing	Comments
14 – Personal Washing Facilities	Deleted following analysis of consultation comments	Covered under Part 1, Housing Act 2004, Housing Health and Safety Rating System
15– References	Retained	55% support for this condition to be included
16 – Tenancy Agreements	Retained	Mandatory requirement
17 – Terms of Occupation	Retained	90% support for this to be included as a condition
18 – Tenants Rights	Retained	61% support for this to be included as a condition
19 – Licence Holder/Manager Details	Retained	84% support for this to be included as a condition  Part of HMO Management Regulations
20 – Complaints Procedure	Retained	64% support for this to be included as a condition
21 – Anti-social Behaviour and Damage	Retained	68% support for this to be included as a condition
22 – Smoke Alarms	Wording amended/consultation comments	Mandatory requirement
23 – Fire Precautions	Wording simplified/consultation comments	Mandatory requirement
24 – Carbon Monoxide Alarm	Wording simplified/consultation comments	Mandatory requirement
25 – Electricity Supply and Fire Safety	Retained	Mandatory requirement
26 – Safety of Doors	Deleted following analysis of consultation comments	Covered under Part 1, Housing Act 2004, Housing Health and Safety Rating System
27 – Means of Escape	Included in Fire Precautions	Mandatory requirement
28 – Fire Blankets	Included in Fire Precautions	Mandatory requirement
29 – Fire Safety Compliance	Included in Fire Precautions	Mandatory requirement
30 – Electrical Installations	Included in Electrical Installation and Safety	Mandatory requirement
31 – Fire Risk Assessments	Retained	Mandatory requirement
32 – General	Retained	Mandatory requirement

Condition	Additional Licensing	Comments
33 – Changes and Alterations	Wording amended/ consultation comments	Mandatory requirement
34 – Management	Deleted following analysis of consultation comments	Licence conditions can only apply to the Licence Holder and not the Manager of the Property
35 – Training	Retained	Mandatory requirement
36 – Display of Licence	Retained	Mandatory requirement

9. It is proposed that any future Mandatory Houses in Multiple Occupation Licence applications and or renewals the licence conditions will replicate those of the Additional Licensing Scheme. The conditions will, therefore, be titled Houses in Multiple Occupation Licensing Scheme Conditions (Appendix 3).

### Selective Licensing Scheme for the two wards Hastings and Lemyngton

10. The summary of the consultation results (Appendix 2) for the Selective Licensing Scheme Licence Conditions for the two wards Hastings and Lemyngton can be found below:
- 39 survey responses plus letters and emails
  - 26 responses (67%) from Landlord/Letting Agents
  - 7 responses (20%) from Residents
  - 24 responses (69%) oppose Licence Conditions

Responses to suggested conditions:

Condition	Survey Responses
2 – Requirement for Works to be Carried out	56% Oppose
5 – Furniture and Furnishings	49% Oppose
7 – Security	41% Oppose
9 – Pests	47% Support
10 – Water Supply and Drainage	50% Support
11 – External Areas	43% Oppose
12 – Property Conditions	44% Support
13 – Emergency Escape Lighting	44% Oppose
14 – Personal Washing Facilities	53% Support
19 – Licence Holder/Manager Details	41% Support
20 – Complaints Procedure	41% Support
21 – Anti-social Behaviour and Damage	44% Support
27 – Means of Escape	50% Support
28 – Fire Blankets	51% Support

32 – General	44% Support
33 – Changes and Alterations	53% Support
34 – Management	44% Support
35 – Training	38% Support/Oppose
36 – Display of Part 3 Licence	44% Oppose

11. Having considered the feedback from the consultation exercise the following conditions will be included in the licences to be issued:

Condition	Selective Licensing	Comments
1 – Space Standards for Sleeping Accommodation	Deleted following analysis of consultation comments	Whole of house can be used by the tenants
2 – Requirement for Works to be Carried out	Retained/consultation comments	56% oppose, conditions to be included as works may be required to grant the Licence
3 – Gas Safety	Reworded/consultation comments	Gas Safety (Installation and Use) Regulations 1998 Added in defects rectified
4 – Electrical Installation and Safety	Wording simplified/consultation comments	Electrical Equipment (Safety) Regulations 1994 requirement  The regulations cover all regulations and failure to comply
5 – Furniture and Furnishings	Amended/consultation comments	49% oppose  Furniture and Furnishings (Fire Safety) Regulations 1988 requirement  Requesting a declaration by the Licence Holder rather than a certificate to confirm the safety of items provided
6 – Heating and Insulation	Deleted following analysis of consultation comments	Covered under Part 1, Housing Act 2004, Housing Health and Safety Rating System
7 – Security	Deleted following analysis of consultation comments	41% oppose this condition and can be covered under Part 1, Housing Act 2004, Housing Health and Safety Rating System

Condition	Selective Licensing	Comments
8 – Storage and Collection of Household Waste	Retained	Requirement of the Licence Holder to comply with Charnwood Borough Council waste collection scheme
9 – Pests	Retained/consultation comments	47% support for this to be included as a condition
10 – Water Supply and Drainage	Retained	50% support for this to be included as a condition
11 – External Areas	Wording simplified/consultation comments	43% support for this to be included as a condition
12 – Property Conditions	Deleted following analysis of consultation comments	44% oppose and can be covered under Part 1, Housing Act 2004, Housing Health and Safety Rating System
13 – Emergency Escape Lighting	Deleted following analysis of consultation comments	44% oppose - not required for family accommodation
14 – Personal Washing Facilities	Deleted following analysis of consultation comments	53% support and can be covered under Part 1, Housing Act 2004, Housing Health and Safety Rating System
15– References	Retained	Mandatory requirement
16 – Tenancy Agreements	Retained	Mandatory requirement
17 – Terms of Occupation	Deleted following analysis of consultation comments	Not required for family accommodation
18 – Tenants Rights	Retained/consultation comments	Mandatory requirement Wording under review
19 – Licence Holder/Manager Details	Retained Wording amended/consultation comments	41% support for this to be included as a condition  Information pack to be provided to all new tenants and amended when details change
20 – Complaints Procedure	Retained Wording amended/consultation comments	41% support for this to be included as a condition Template to be developed
21 – Anti-social Behaviour and Damage	Retained Wording amended/consultation comments	44% support for this to be included as a condition  Reference to common parts removed from the condition

Condition	Selective Licensing	Comments
22 – Smoke Alarms	Wording amended/consultation comments	Mandatory requirement - reference to hard wired smoke alarms removed from condition  Requirement to provide one smoke alarm on each storey
23 – Fire Precautions	Deleted following analysis of consultation comments	Individual conditions for smoke alarms, fire blankets etc
24 – Carbon Monoxide Alarm	Wording amended/consultation comments	Mandatory requirement
25 – Electricity Supply and Fire Safety	Deleted following analysis of consultation comments	Individual conditions for smoke alarms, fire blankets etc
26 – Safety of Doors	Deleted following analysis of consultation comments	Covered under Part 1, Housing Act 2004, Housing Health and Safety Rating System
27 – Means of Escape	Wording amended/consultation comments	50% support for this to be included as a condition Tenants made aware of procedures
28 – Fire Blankets	Retained Wording amended/consultation comments	51% support for this to be included as a condition
29 – Fire Safety Compliance	Wording amended/consultation comments	Change wording from complies to “in line” with guidance
30 – Electrical Installations	Deleted following analysis of consultation comments	Duplication of Condition 4
31 – Fire Risk Assessments	Retained	Mandatory requirement
32 – General	Deleted following analysis of consultation comments	Not required for family accommodation
33 – Changes and Alterations	Retained Wording amended/consultation comments	53% support for this to be included as a condition Condition refers to changes in Licence holder details
34 – Management	Retained	44% support for this to be included as a condition
35 – Training	Retained	38% Support/Oppose
36 – Display of Licence	Deleted following analysis of consultation comments	44% oppose – display of licence not required for family accommodation, can be

		included in tenant's information pack
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## **Next Steps**

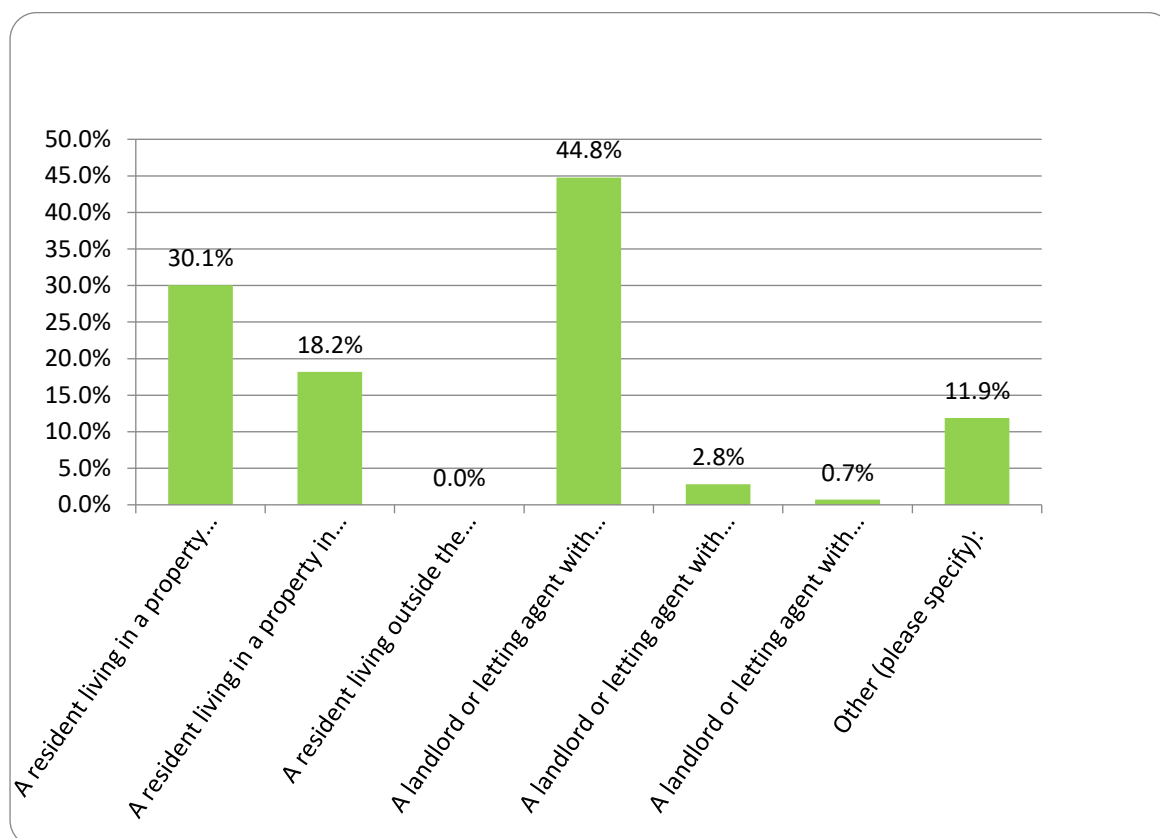
12. Following Cabinet approval of the licence conditions a Public Notice will be published in September 2021 to advise of the implementation of the Borough wide Additional Licensing Scheme and the Selective Licensing Scheme in the two wards of Hastings and Lemington. The Selective Licensing Notice will provide the details of all the streets in the two wards that will be covered.
13. The Notices will be published for a period of three months prior to the implementation of the Schemes. The Schemes will be implemented from January 2022.
14. For the Mandatory Houses in Multiple Occupation Licensing Scheme the new Licence Conditions will be implemented for all new applications and renewals from January 2022.

## Appendices

- Appendix 1 Summary of the consultation results for Additional Licensing Scheme Licence Conditions
- Appendix 2 Summary of the consultation results for Selective Licensing Scheme Licence Conditions
- Appendix 3 Houses in Multiple Occupation Licensing Scheme Licence Conditions
- Appendix 4 Selective Licensing Scheme Licence Conditions

## Consultation Results for Additional Licensing Scheme – Licence Conditions

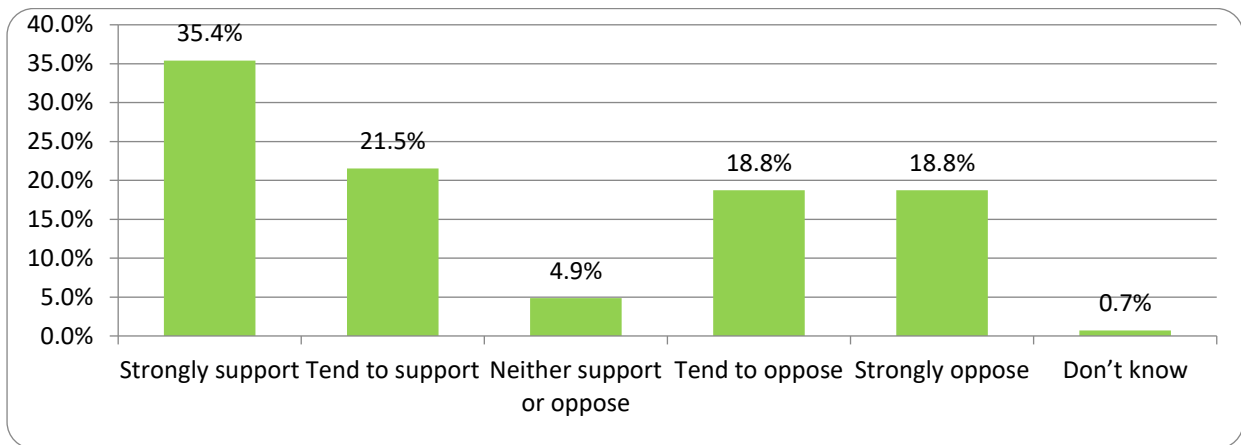
**Question 1: Are you responding to this consultation as?**



Answer Choice	Response	
A resident living in a property that could be affected by this additional licensing proposal	30.1%	43
A resident living in a property in the borough that would not be affected by this proposal	18.2%	26
A resident living outside of the borough	0%	0
A landlord or letting agent with properties that could be affected by this additional licensing proposal	44.8%	64
A landlord or letting agent with properties that would not be affected by this additional licensing proposal	2.8%	4
A landlord or letting agent with properties outside the borough	0.7%	1
Other	11.9%	17



**Question 2: Having reviewed the draft licence conditions to what extent do you agree with the conditions for the Additional Licensing Scheme?**



Answer Choice	Response	
Strongly support	35.4%	51
Tend to support	21.5%	31
Neither support or oppose	4.9%	7
Tend to oppose	18.8%	27
Strongly oppose	18.8%	27
Don't know	0.7%	1
Total		144

**Question 3: Are there any comments you wish to make regarding the conditions for the Additional Licensing Scheme**

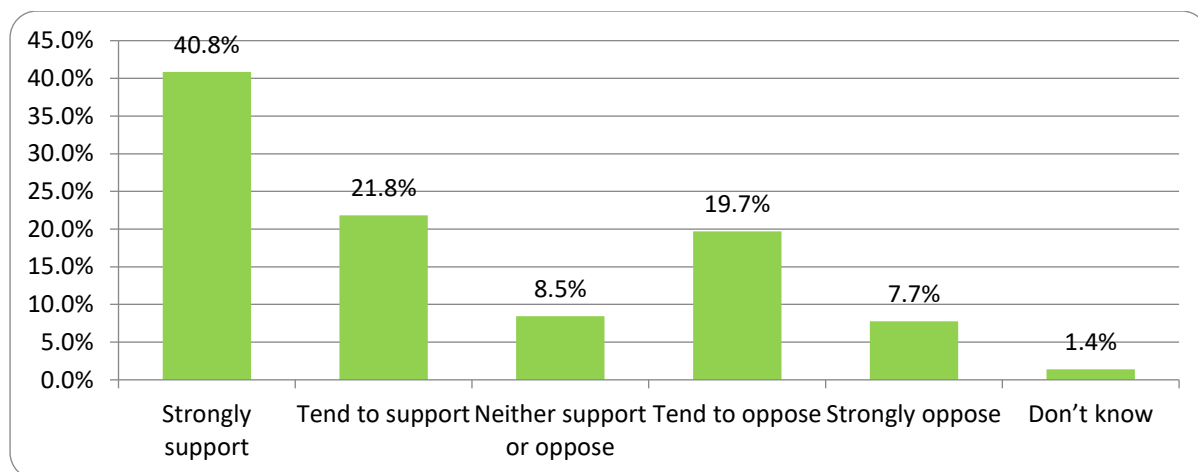
100 people responded to this question listed below are a selection of their comments:

- 15 people responded - The "Ministry of Housing, Communities and Local Government" on the 28th March 2020 in response to COVID19, published guidance encouraging local authorities to pause all additional and selective licensing schemes not yet in force.  
The reality that Charnwood Borough Council ignored this sensible approach during a world-wide crisis further cements the lack of willingness to work with Local Landlords and Agents. It is clear from the timing and implementation of this action that the additional licensing is not been used for improving the condition of properties but can only be motivated by additional revenue generated by the introduction of the new licenses
- Landlords should take full responsibility.
- External areas and anti social behaviour should be mandatory.
- Too many students in area.

**Question 4: Thinking about the proposed additional licensing conditions to what extent do you agree with:**

**Condition 7 – Security**

The Licence Holder must ensure that any lock, latch or entry system at the HMO is always maintained in good working order. The front door to the HMO is fitted with a thumb-turn mortice lock (or equivalent) to a five-lever level of security. If window locks are fitted, each tenant is provided with keys to them. Details of any burglar alarm are provided to each tenant, including instructions for use, and circumstances when, the code can be changed, together with the reporting of such changes to the Licence Holder. If any tenant, on ceasing to occupy the HMO fails to return their keys to the Licence Holder, then new locks are fitted before any new tenant takes up residence in the HMO.



Answer Choice	Response	
Strongly support	40.8%	58
Tend to support	21.8%	31
Neither support or oppose	8.5%	12
Tend to oppose	19.7%	28
Strongly oppose	7.7%	11
Don't know	1.4%	2
Total		142

142 people responded to this question listed below are a selection of their comments:

- 15 people responded with this comment - Condition 7.3 and condition 27.1 contradict each other. A window, especially a bedroom window may be the only means of escape in a given situation. Providing tenants with a window key whereby they can lock it and loose the key could potentially be life threatening. The idea of having a thumb turning lock on the front door is to minimise difficulty during a stressful event of an emergency. A window could be the only option of escape therefore the option of locking it with a key needs to be removed for the tenant's safety.

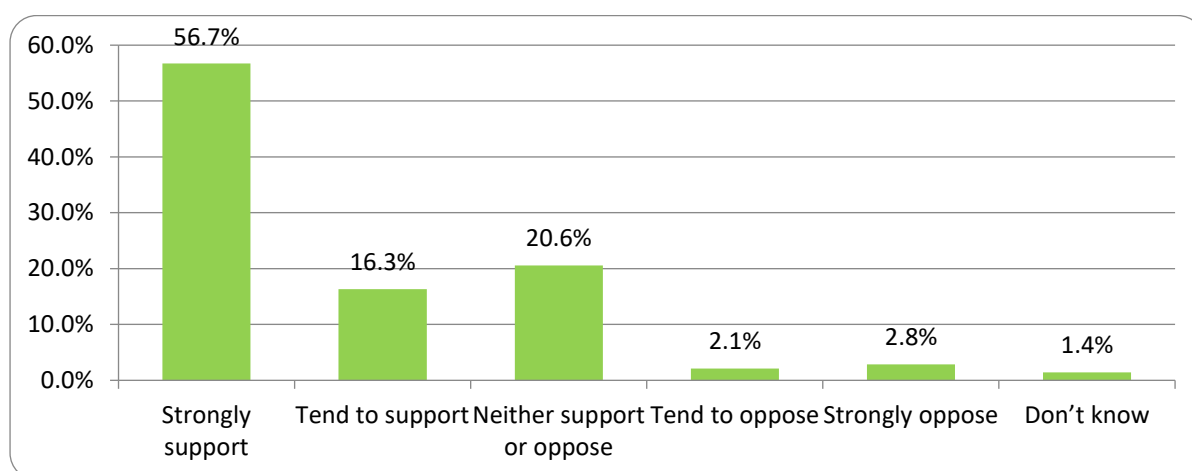
The changing of locks should be at the discretion of the landlord and tenant as a situation may arise whereby a key is not returned; however, the safety of the house and any future tenants is not compromised.

- The main theme was the issuing of keys for window locks.
- Outside of building, garden gates etc should also be made secure

**Question 5: Thinking about the proposed additional licensing conditions to what extent do you agree with:**

**Condition 9 - Pests**

The Licence Holder must ensure that reasonable precautions are taken to ensure that the HMO, together with its curtilage and garden are, so far as is practicable, kept free from pests.



Answer Choice	Response	
Strongly support	56.7%	80
Tend to support	16.3%	23
Neither support or oppose	20.6%	29
Tend to oppose	2.1%	3
Strongly oppose	2.8%	4
Don't know	1.4%	2
Total		141

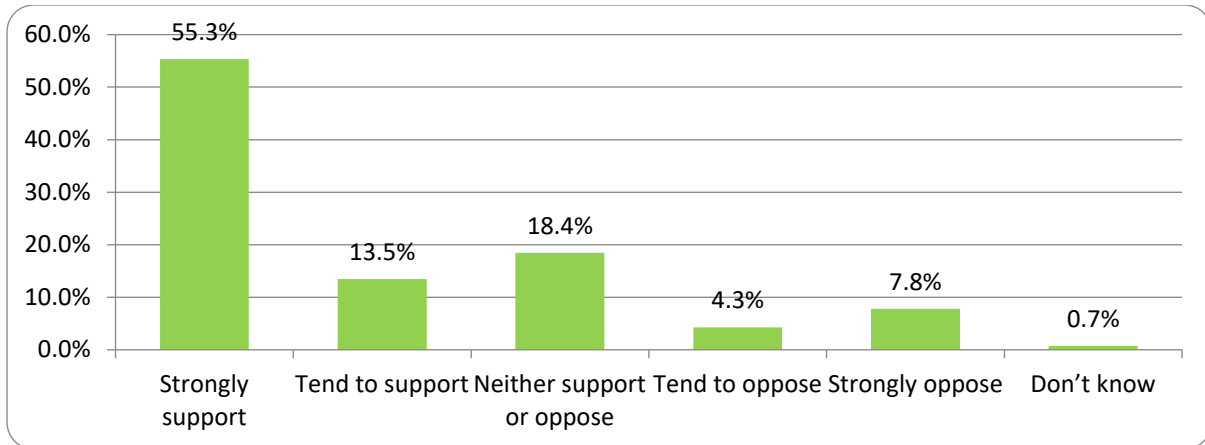
141 people responded to this question listed below are a selection of their comments:

- Rats and mice are a constant problem.
- No side waste should be left out at all.
- More bins need to be supplied for large HMOs.
- The tenant should be responsible for internal and external cleanliness.

**Question 6: Thinking about the proposed additional licensing conditions to what extent do you agree with:**

**Condition 11 - External Areas**

The Licence Holder must ensure that any garden, forecourt, yard or passageway within the HMO’s curtilage is kept in a reasonably clean and tidy condition. No items of discarded furniture, bedding, clothing, toys, refuse, or rubbish are left outside the HMO, or on the public highway, or on third party private land except where this occurs in anticipation of a pre-arranged collection.



Answer Choice	Response	
Strongly support	55.3%	78
Tend to support	13.5%	19
Neither support or oppose	18.4%	26
Tend to oppose	4.3%	6
Strongly oppose	7.8%	11
Don't know	0.7%	1
Total		141

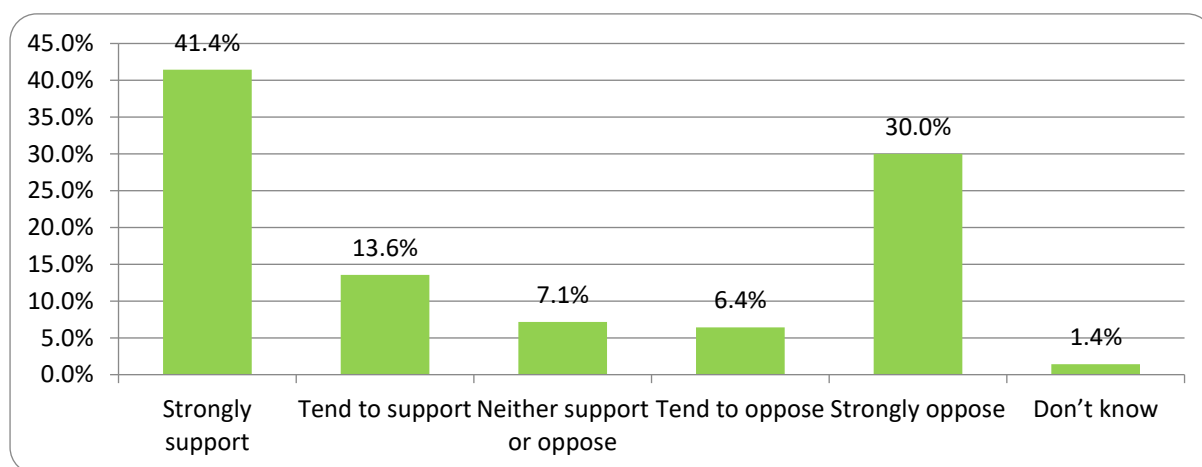
141 people responded to this question listed below are a selection of their comments:

- Needs to be a continuous monitoring of bin management.
- Very hard for landlords to police, to visit property every day, every week.
- Should be tenants’ responsibility not landlord.
- Wheelie bins left in street.
- Rubbish in gardens.
- Overgrown gardens.
- Should include visitors’ bikes should not be padlocked to street lamps and other street furniture.

**Question 7: Thinking about the proposed additional licensing conditions to what extent do you agree with:**

**Condition 15 - References**

The Licence Holder must ensure that references as to character and behaviour are taken in respect of every prospective tenant in advance of their being offered a tenancy and taking-up occupation at the HMO. Written confirmation is provided to each tenant of the action which the Licence Holder will take should a tenant engage in acts of anti-social behaviour whether within the HMO or the immediate neighbourhood.



Answer Choice	Response	
Strongly support	41.4%	58
Tend to support	13.6%	19
Neither support or oppose	7.1%	10
Tend to oppose	6.4%	9
Strongly oppose	30%	42
Don't know	1.4%	2
Total		140

140 people responded to this question listed below are a selection of their comments:

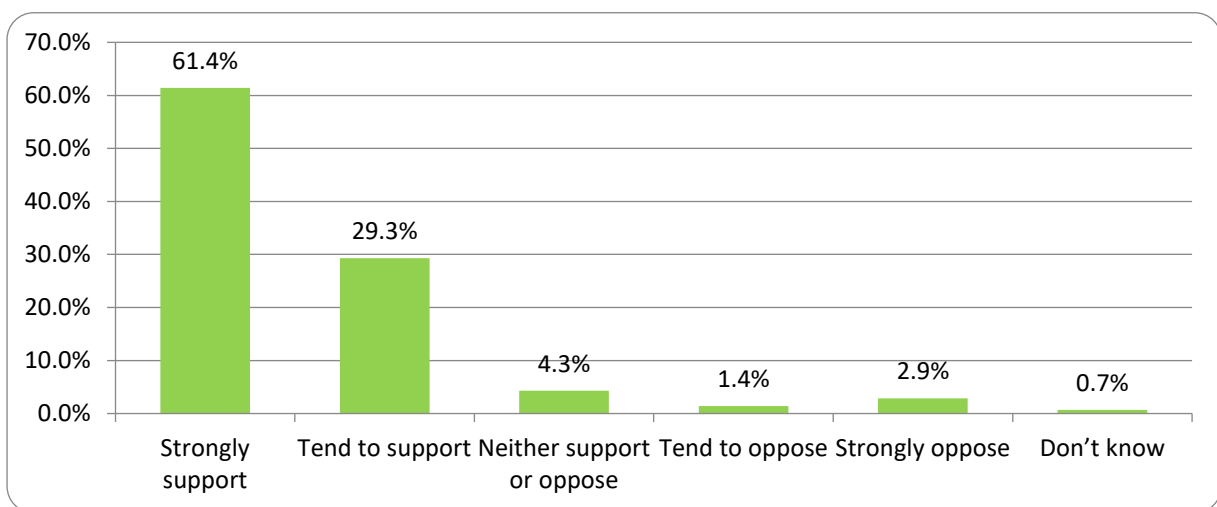
- 13 people responded with the following comment - character references will do nothing to prevent anti-social behaviour in student HMOs. A character reference can easily be obtained by any person, of any character and is frankly worthless in determining whether a student tenant will behave in an anti-social manner while resident in an HMO may be maybe a year after the reference was provided. If condition 15 is to be included; the Council needs to add an additional clause stating that 'if the tenant is a student references are automatically implied by the university/college that is allowing the tenant to attend studies'. After their individual interview and grade achievement the University would not have offered them a place if they did not have the appropriate character.

- Student lets would find it difficult to follow.
- This is standard practice when dealing with prospective tenants.

**Question 8: Thinking about the proposed additional licensing conditions to what extent do you agree with:**

**Condition 17 – Terms of Occupation**

The Licence Holder must ensure that Occupancy levels at the HMO do not exceed those set by the Licence. If occupancy levels exceed those permitted by the Licence then, upon he/she becoming aware of this, all reasonable lawful steps are taken to ensure that the number of occupiers is reduced to the permitted level as soon as is reasonably practicable.



Answer Choice	Response	
Strongly support	61.4%	86
Tend to support	29.3%	41
Neither support or oppose	4.3%	6
Tend to oppose	1.4%	2
Strongly oppose	2.9%	4
Don't know	0.07%	1
Total		140

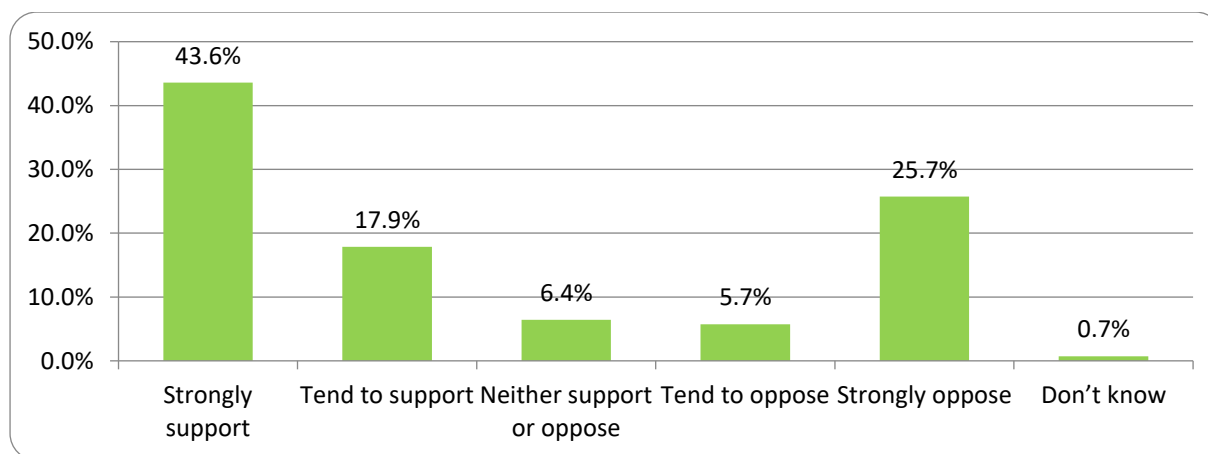
140 people responded to this question listed below are a selection of their comments:

- Time limit is too vague.
- This should be mandatory.
- Should be in licence agreement.
- Need clarification on temporary guests.

**Question 9: Thinking about the proposed additional licensing conditions to what extent do you agree with:**

**Condition 18 – Tenants Rights**

The Licence Holder must ensure that each tenant’s legal rights are observed, which includes but is not limited to giving 24 hours prior notice of entry to the premises within the HMO which are occupied by the tenant in the case of emergency repairs, and 7 days’ notice in the case of non-emergency repairs and inspections. Terminating a tenancy or licensed period of occupation in a lawful manner.



Answer Choice	Response	
Strongly support	43.6%	61
Tend to support	17.9%	25
Neither support or oppose	6.4%	9
Tend to oppose	5.7%	8
Strongly oppose	25.7%	36
Don't know	0.7%	1
Total		140

140 people responded to this question listed below are a selection of their comments:

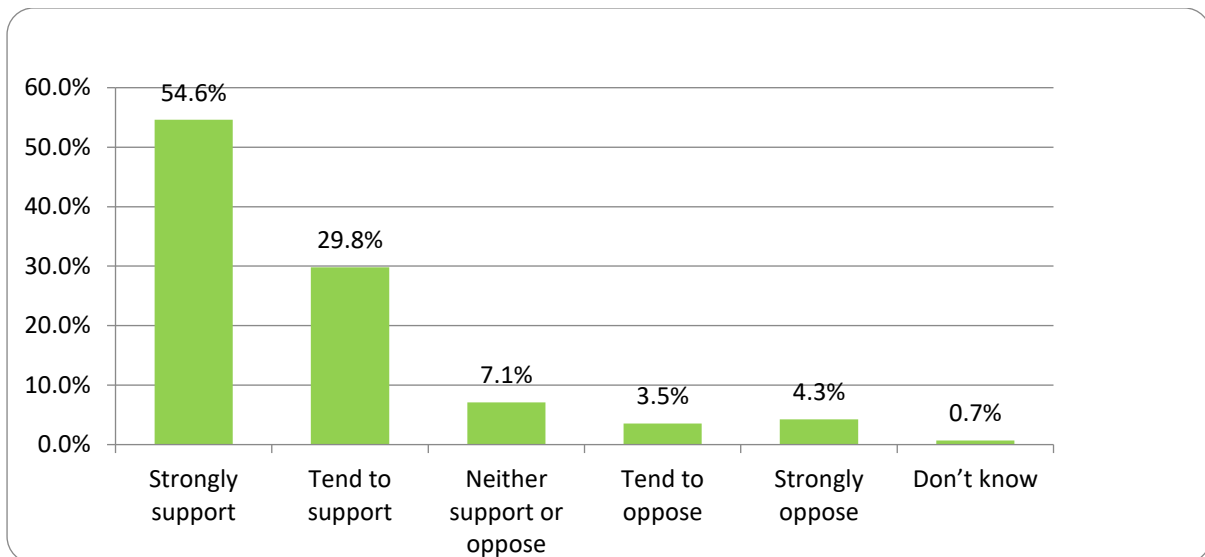
- 15 people responded with the following comment - this is extremely short-sighted. If a tenant reports a major leak in a property that may need immediate attention and the tenant is happy for this action to take place. A landlord would be in breach of the license conditions if the work and therefore entry into the property took place within the first 24 hours. If non-essential maintenance is reported, a landlord and tenants should be free to agree an appropriate timescale between themselves after the statutory 24 hour notice period to respond to the maintenance in question. At the time of initially reporting a maintenance problem it may not be classed as an "emergency repair", however if that household item is used throughout the suggested "7 day notice period" it could fail and cause serious injury which may have been avoided if it was fixed earlier.

- The idea behind "Additional licensing" is to improve the condition of said property, leaving non-emergency repairs to a 7 day notice period seems counterproductive to the overall objective of the scheme.
- 7 days is too long.
- Should not need to give 24 hours access within the HMO for emergency repairs.
- All tenants deserve to have their privacy respected and should have prior notice of entry.

**Question 10: Thinking about the proposed additional licensing conditions to what extent do you agree with:**

**Condition 19 - Licence Holder/Manager Details**

The Licence Holder must ensure that a notice giving the name, address, telephone number and e-mail address, together with the emergency contact telephone number of the person managing the HMO is clearly and prominently displayed in the common parts of the HMO. If any of the details change, the notice is amended from time to time so that the correct up to date information is given.



Answer Choice	Response	
Strongly support	54.6%	77
Tend to support	29.8%	42
Neither support or oppose	7.1%	10
Tend to oppose	3.5%	5
Strongly oppose	4.3%	6
Don't know	0.7%	1
Total		141

141 people responded to this question listed below are a selection of their comments:

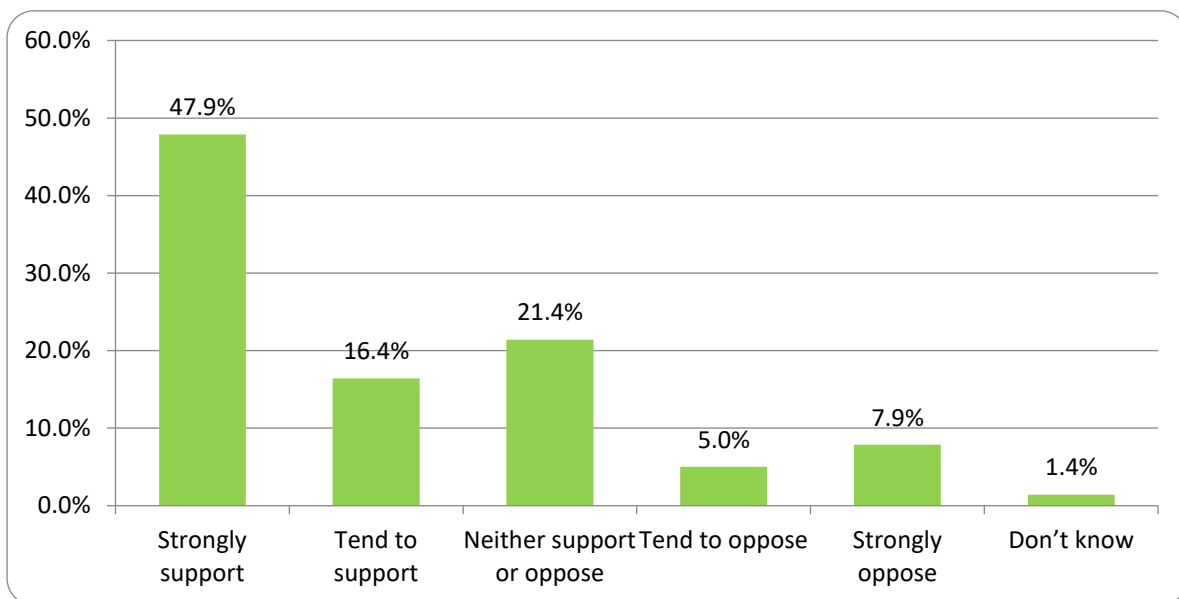


- Information is already available on Council website and on letting agent's website.
- Can neighbours have emergency contact details as well?
- Address of landlord is not necessary.
- This is good practice.

**Question 11: Thinking about the proposed additional licensing conditions to what extent do you agree with:**

**Condition 20 - Complaints Procedure**

The Licence Holder must ensure that it has a written complaints procedure concerning the management and conditions of the HMO, a copy of which is given to each tenant at the start of their tenancy.



Answer Choice	Response	
Strongly support	47.9%	67
Tend to support	16.4%	23
Neither support or oppose	21.4%	30
Tend to oppose	5%	7
Strongly oppose	7.9%	11
Don't know	1.4%	2
Total		140

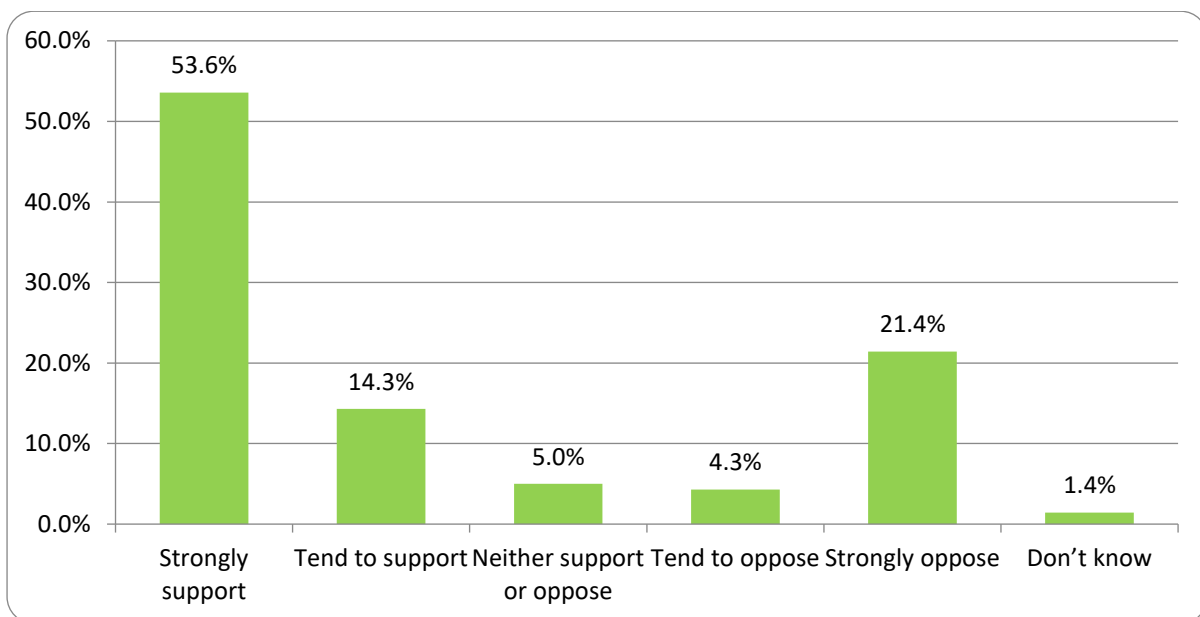
140 people responded to this question listed below are a selection of their comments:

- A template would be helpful
- Complaint procedure for neighbours
- Too onerous
- Will protect landlord as well as tenant

**Question 12: Thinking about the proposed additional licensing conditions to what extent do you agree with:**

**Condition 21 - Anti-social Behaviour and Damage**

The Licence Holder must ensure that the terms of any tenancy or licence agreement include provisions concerning anti-social behaviour. All reasonable and practicable steps are taken to both prevent (which may include period inspection) and deal with any acts of anti-social behaviour occurring at the HMO, and which shall include investigating any complaints made about such conduct and liaising with the Authority and/or the Police. If acts of anti-social behaviour occur at the HMO in breach of the terms of the tenancy or licence agreement, he/she takes appropriate steps to address this which may, in the case of serious or repeated anti-social behaviour, mean commencing possession proceedings.



Answer Choice	Response	
Strongly support	53.6%	75
Tend to support	14.3%	20
Neither support or oppose	5%	7
Tend to oppose	4.3%	6
Strongly oppose	21.4%	30
Don't know	1.4%	4
Total		140

140 people responded to this question listed below are a selection of their comments:

- 16 people responded with the following comment - there seems to be a focus on anti-social behaviour in this scheme. The fact is that we as landlords are not the Police, we are not the Council and we are not the University; as landlords we are meant to provide a safe and secure house for tenants, for them to quietly possess and enjoy the property without any unlawful

interruption from the landlord. The only mitigation we have against anti-social behaviour is eviction which for a 12-month fixed term AST is a highly unlikely prospect. I strongly disagree with the Council trying to push responsibility as to how student tenants behave onto the landlords. The tenants are over 18 years of age and as adults what right do landlords have to tell them how to behave.

- Comments were roughly half in favour and half against. Either agreeing that it was the landlord's responsibility or that it was not the landlord's responsibility.
- Comments made that anti-social behaviour needs to be better defined and help and support would be required in order to manage it.

**Question 13: Do you have any further comments regarding Licence Conditions for the Additional Licensing Scheme. Are there any additional conditions that you think should be included?**

Further comments received:

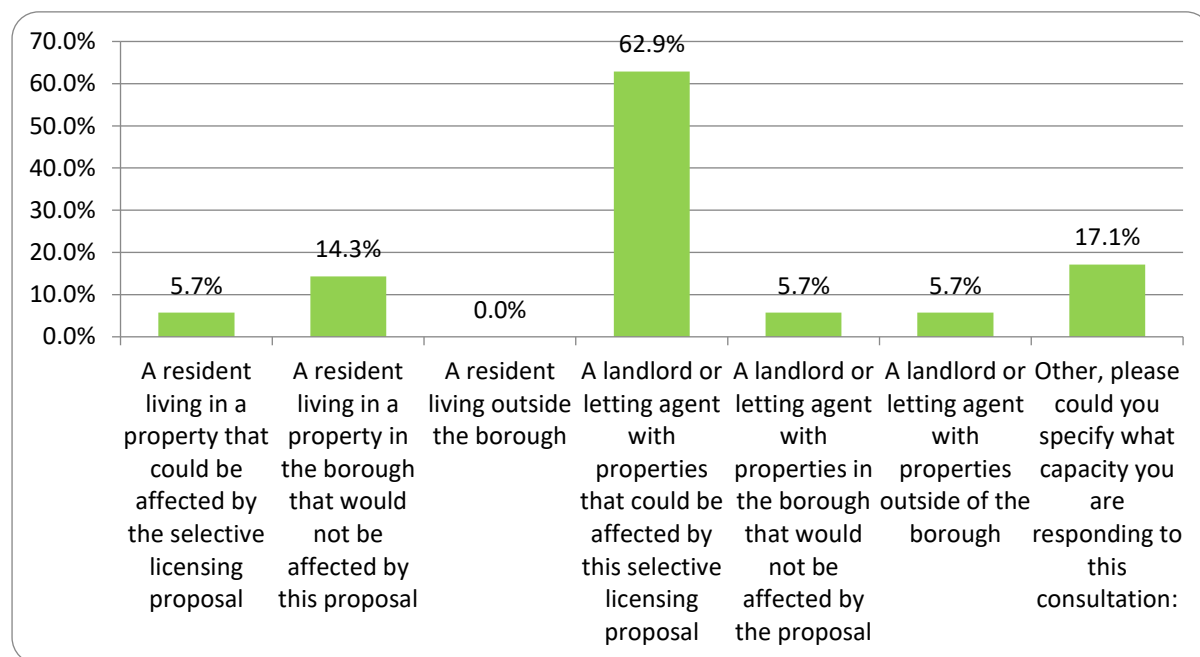
- The Council must understand that this is a huge cost and administrative burden for any landlord whether big or small. Landlords must have a reasonable amount of time to fill in the forms once they become available. Experience from Nottingham is it takes about 1-2 hours per application and there may be the need for floor plans to be drawn up which is an additional unlimited time depending on access under COVID etc.
- There may also be issues in getting gas/elec tests done if tenants are shielding. I am a private landlord with one part time employee, but I will have 38 new licence applications to apply for at a cost of £23,370. You cannot in all fairness require me to do this in a matter of days - this requires several weeks if not months to complete.
- I consider clause 26.2 (FD30 fire doors) of condition 26 to be unworkable for the following reasons:
  - 1) We cannot access the British Standards details as this is behind a paywall. This means we cannot make sure any current specified doors (and fitment) meet the requirements of this clause.
  - 2) BS 8214:2008 has been withdrawn and overruled by BS 8214:2016 - which we also cannot access.
  - 3) This requirement for additional fire safety is above and beyond the LACORS fire guidance for 2 storey HMOs. Therefore the council in some cases will be running a higher fire safety standard for 3/4 bed HMOs vs 5/6 bed HMOs of 2 storeys.
  - 4) This clause makes no mention of automatic door closers.  
Implementation issues:
    - 5) The clause affects over 2000 properties across Loughborough. This clause would require the immediate installation of FD30 fire doors (including FD30 rated door frames) and redecoration in a very short timeframe.

- It appears there will be an unreasonably short amount of time between a licence application form becoming available and the scheme coming into force in April. Landlords must be allowed a reasonable amount of time to apply for these additional licenses.
- Are the all the conditions Legal?
- There is a recent Appeals court case that is directly relevant to the licence conditions -> *Brown v Hyndburn Borough Council* [2018] EWCA Civ 242 (21 February 2018) (bailii.org)
  - News articles explaining the implications of this appeals decision -> Councils Warned to Update Selective Licensing Demands - GRL Landlord Association (landlordsguild.com)
  - UK GOV Ministry of Housing newsletter detailing this -> March PRS Newsletter (campaign-archive.com)

This appeals document is useful as it achieves two purposes - 1) Makes a decision that affects Additional/Selective licencing and 2) Makes a legal view on what conditions a council is legally allowed to impose re additional/selective licencing.

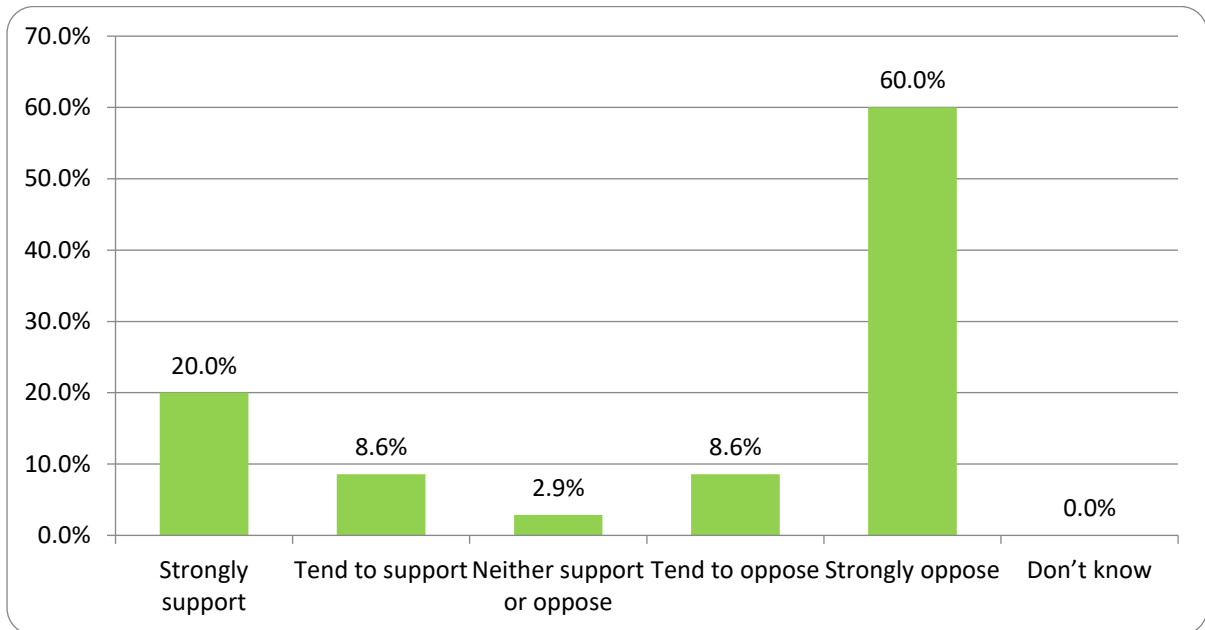
## Consultation Results for Selective Licensing Scheme – Licence Conditions

**Question 1: Are you responding to this consultation as (Select all that apply)**



Answer Choice	Response	
A resident living in a property that could be affected by the selective licensing proposal	5.7%	2
A resident living in a property in the borough that would not be affected by this proposal	14.3%	5
A resident living outside the borough	0 %	0
A landlord or letting agent with properties that could be affected by this selective licensing proposal	62.9%	22
A landlord or letting agent with properties in the borough that would not be affected by the proposal	5.7%	2
A landlord or letting agent with properties outside of the borough	5.7%	2
Other	17.1%	6
Total		39

**Question 2: Having reviewed the draft licence conditions to what extent do you agree with the conditions for the Selective Licensing Scheme?**



Answer Choice	Response	
Strongly support	20%	7
Tend to support	8.6%	3
Neither support or oppose	2.9%	1
Tend to oppose	8.6%	3
Strongly oppose	60%	21
Don't know	0%	0
Total		35

**Question 3: Are there any comments you wish to make regarding the conditions for the Selective Licensing Scheme?**

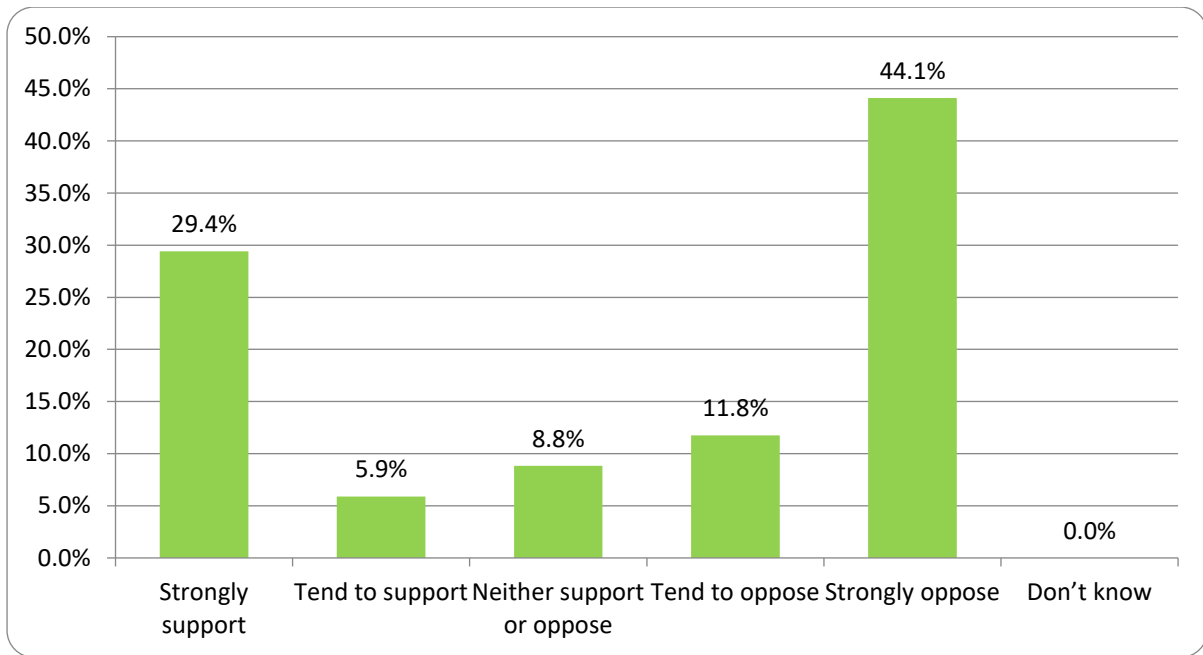
35 people responded to this question listed below are a selection of their comments:

- The conditions proposed are not relevant to landlords of properties that are left to individuals/families.
- This scheme has been rushed through without proper consultation.
- Landlords will sell up and tenants evicted.
- It is good to see this being brought in it will protect tenants and the local residents who live nearby.
- Scheme unfair to landlords.

**Question 4: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

**Condition 2 - Requirement for Works to be Carried Out**

The Licence Holder must ensure that if the Authority specify any works as necessary to be carried out as a condition of the grant of a licence.



Answer Choice	Response	
Strongly support	29.4%	10
Tend to support	5.9%	2
Neither support or oppose	8.8%	3
Tend to oppose	11.8%	4
Strongly oppose	44.1%	15
Don't know	0%	0
Total		34

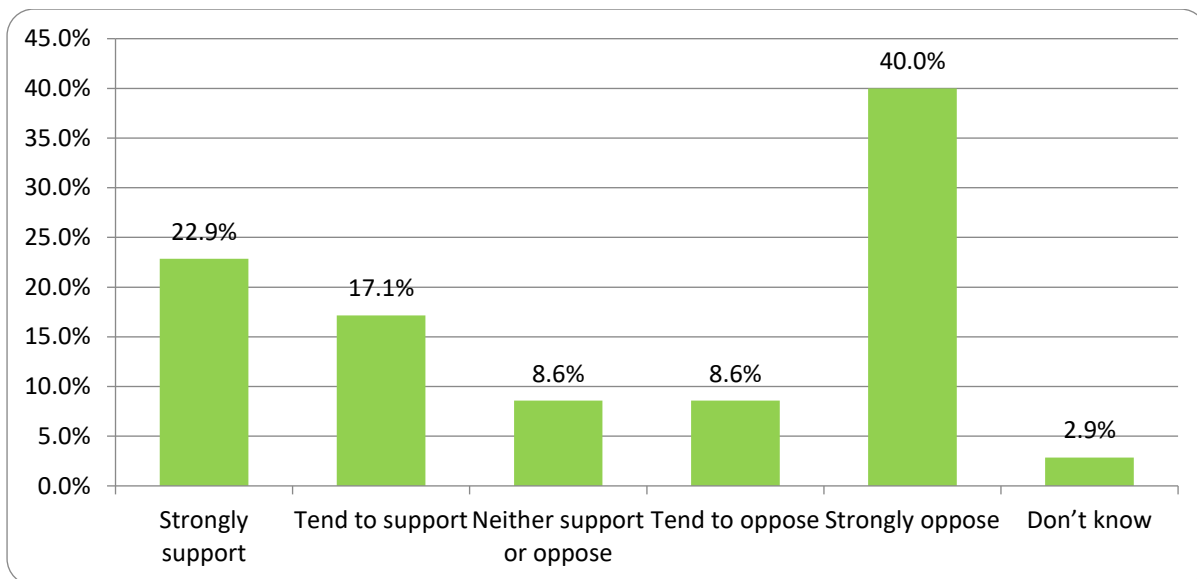
34 people responded to this question listed below are a selection of their comments:

- Our properties are kept in a good condition, we should not have to pay a significant fee for a licence that states what we must do.
- The conditions relating to safety are fine.
- Will all properties be visited, and enforcement action taken?

**Question 5: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

### **Condition 5 – Furniture and Furnishings**

The Licence Holder must ensure that every item of upholstered furniture, including: mattresses, seat pads, cushions or pillows which are supplied to a tenant comply with the relevant safety tests as prescribed under the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended), or any later amended regulations. All items of furniture are, and remain, labelled to show that they comply with the relevant safety tests. Upon receiving a demand by the Authority to provide a certificate concerning the safety of such furniture and soft furnishings, such is provided within 14 days.



Answer Choice	Response	
Strongly support	22.9%	8
Tend to support	17.1%	6
Neither support or oppose	8.6%	3
Tend to oppose	8.6%	3
Strongly oppose	40%	14
Don't know	2.9%	1
Total		35

35 people responded to this question listed below are a selection of their comments:

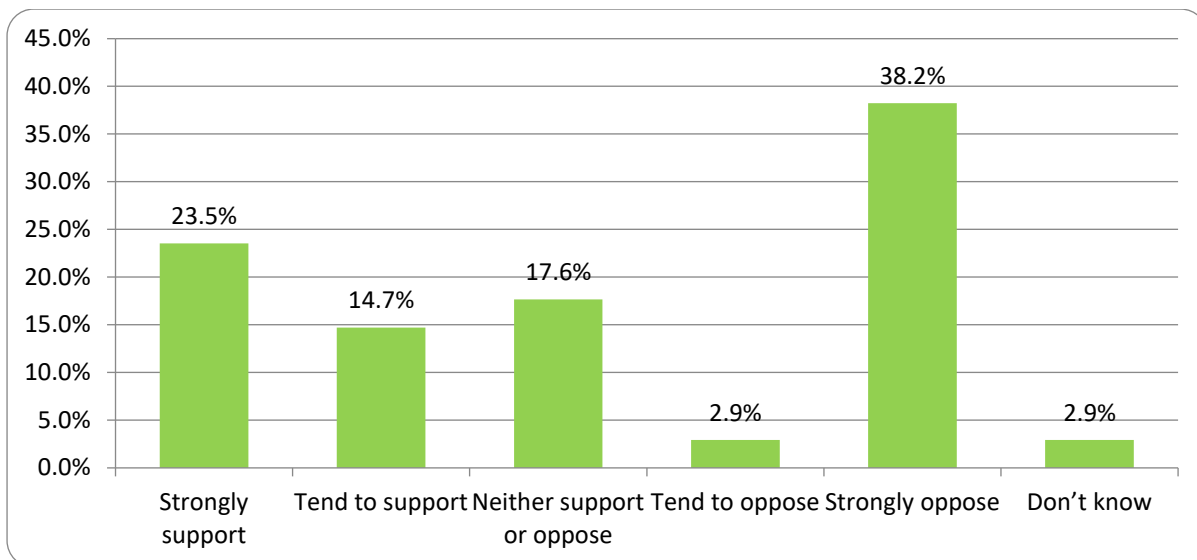
- The furniture comes with an attached label, not a certificate, the licence needs rewording to reflect this.
- Safety of tenants is vital.
- My property is let unfurnished.
- If you leave a label on every cushion, seat pad or pillow that property is a show house not a home.

**Question 6: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

### **Condition 7 – Security**

The Licence Holder must ensure that any lock, latch or entry system at the House is maintained in good working order at all times. The front door to the House is fitted with a thumb-turn mortice lock (or equivalent) to a five lever level of security. If window locks are fitted, each tenant is provided with keys to them. Details of any burglar alarm are provided to each tenant, including instructions for use, and circumstances when, the code can be changed, together with the reporting of such changes to the Licence Holder. If any tenant, on ceasing to occupy the House fails to return their keys to the Licence Holder, then new locks are fitted before any new tenant takes up residence in the House.





Answer Choice	Response	
Strongly support	23.5%	8
Tend to support	14.7%	5
Neither support or oppose	17.6%	6
Tend to oppose	2.9%	1
Strongly oppose	38.2%	13
Don't know	2.9%	1
Total		34

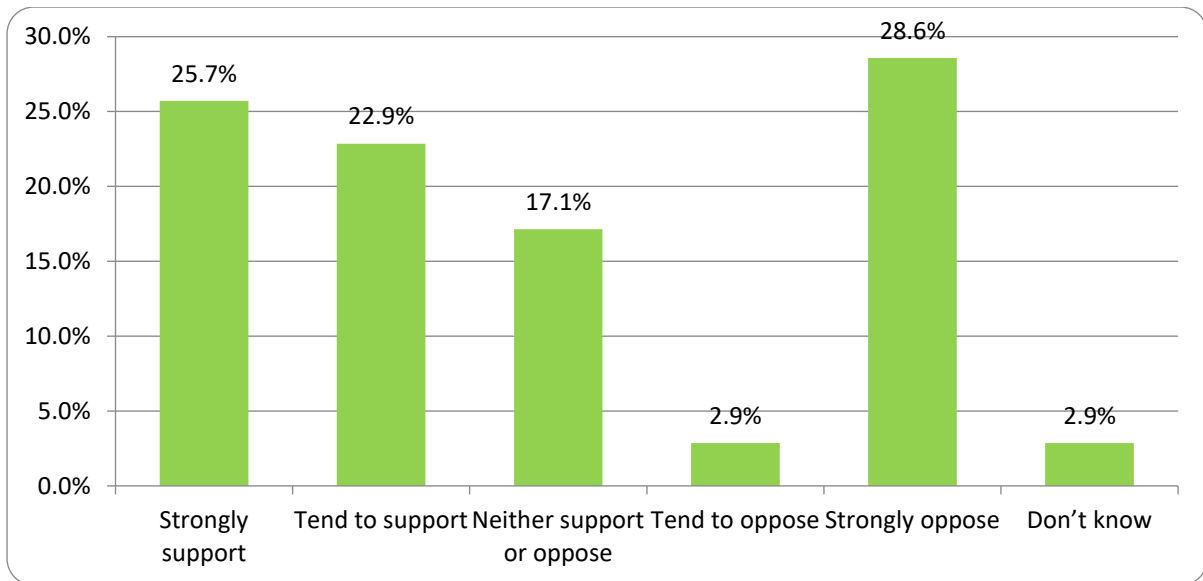
34 people responded to this question listed below are a selection of their comments:

- Any good landlord already does this
- Essential
- Unrealistic – window lock keys should be kept by the window
- Do not see why front door should have a thumb screw mortice lock

**Question 7: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

### **Condition 9 – Pests**

The Licence Holder must ensure that reasonable precautions are taken to ensure that the House, together with its curtilage and garden are, so far as is practicable, kept free from pest infestation. Within 7 days of becoming aware of any pest infestation, adequate steps are taken with a view to effectively controlling such infestation.



Answer Choice	Response	
Strongly support	25.7%	9
Tend to support	22.9%	8
Neither support or oppose	17.1%	6
Tend to oppose	2.9%	1
Strongly oppose	28.6%	10
Don't know	2.9%	1
Total		35

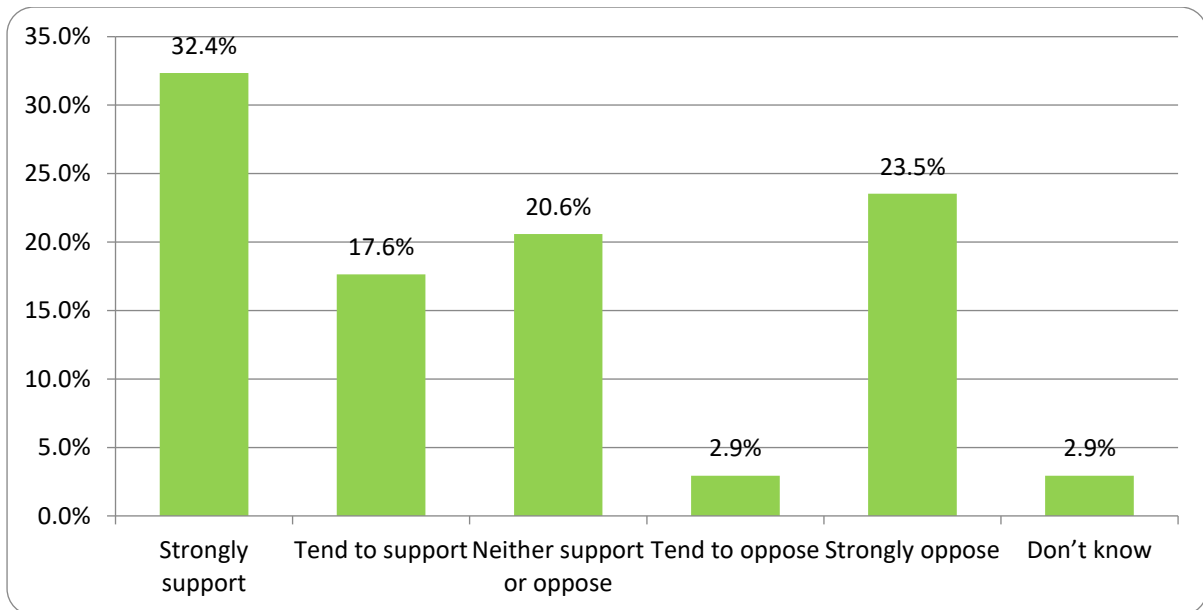
35 people responded to this question listed below are a selection of their comments:

- Responsibility of tenant
- Important for tenant and neighbours/neighbourhood

**Question 8: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

**Condition 10 – Water Supply and Drainage**

The Licence Holder must ensure that adequate measures are taken to ensure that there is no unreasonable interruption in the supply of water to the House. Sufficient steps are taken to ensure that the drainage system at the House is kept free of obstructions.



Answer Choice	Responses	
Strongly support	32.4%	11
Tend to support	17.6%	6
Neither support or oppose	20.6%	7
Tend to oppose	2.9%	1
Strongly oppose	23.8%	8
Don't know	2.9%	1
Total		34

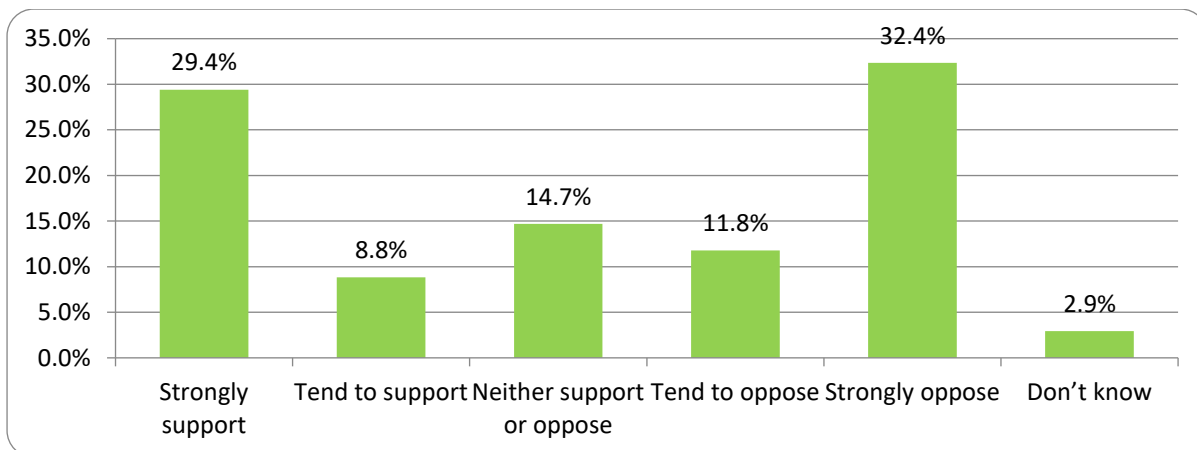
34 people responded to this question listed below are a selection of their comments:

- This is already adhered to as part of the tenancy agreement.
- Tenants cause blockages by non-flushable wipes and fats down toilets/drains.

**Question 9: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

**Condition 11 – External Areas**

The Licence Holder must ensure that any garden, forecourt, yard, or passageway within the curtilage of the House is kept in a reasonably clean and tidy condition. If a tenant, or a member of their household, or their visitor causes a breach of condition 11.1 above, steps are immediately taken to address the matter including a written warning being given to the tenant within 14 days of it coming to the attention of the Licence Holder. No items of discarded furniture, bedding, clothing, toys, refuse or rubbish are left outside the House, or on the public highway, or on third party private land except where this occurs in anticipation of a pre-arranged collection. All domestic rubbish and refuse is stored in suitable bins pending its collection. A copy of any written warnings that have been given to a tenant is provided to the Authority within 7 days of a request being made to see the same.



Answer Choice	Response	
Strongly support	29.4%	10
Tend to support	8.8%	3
Neither support or oppose	14.7%	5
Tend to oppose	11.8%	4
Strongly oppose	32.4%	11
Don't know	2.9%	1
Total		34

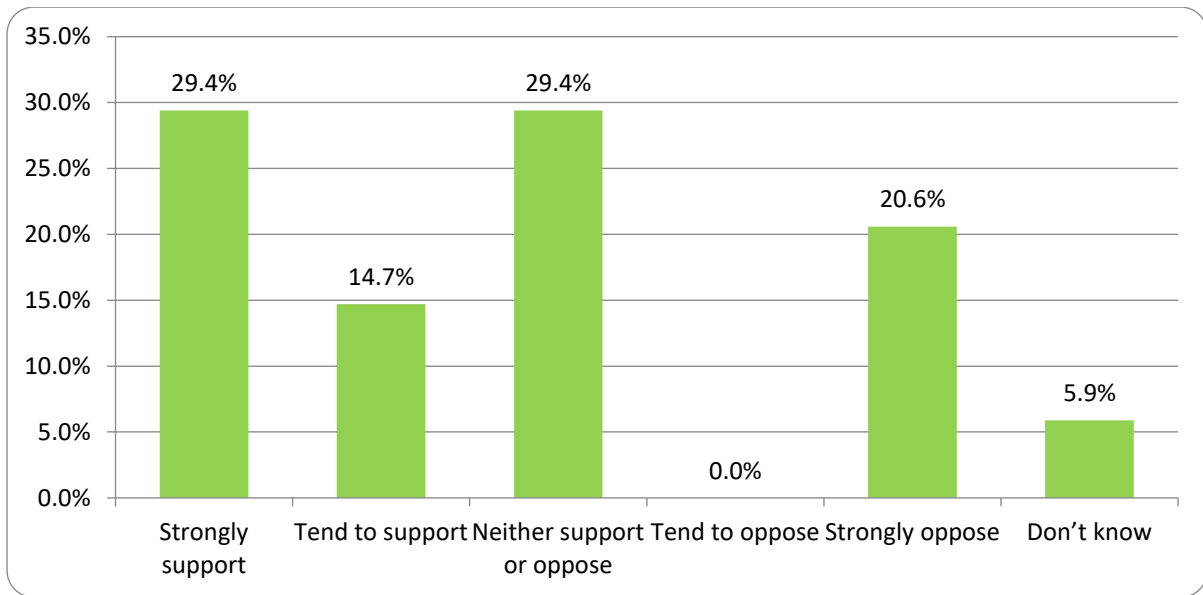
34 people responded to this question listed below are a selection of their comments:

- Licence holder is not responsible for tenants' behaviour
- Adequate bins should be supplied

**Question 10: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

### **Condition 12 – Property Conditions**

The Licence Holder must ensure that the House is, and remains free from, any Category 1 serious hazards as classified under the Housing Health and Safety Rating System (“HHSRS”). Upon becoming aware of a potential Category 1 hazard, he/she takes all reasonable steps to remedy the situation without delay and provides evidence to the Authority of the remedial steps taken within 7 days of receipt of such a request.



Answer Choice	Response	
Strongly support	29.4%	10
Tend to support	14.7%	5
Neither support or oppose	29.4%	10
Tend to oppose	0.0%	0
Strongly oppose	20.6%	7
Don't know	5.9%	2
Total		34

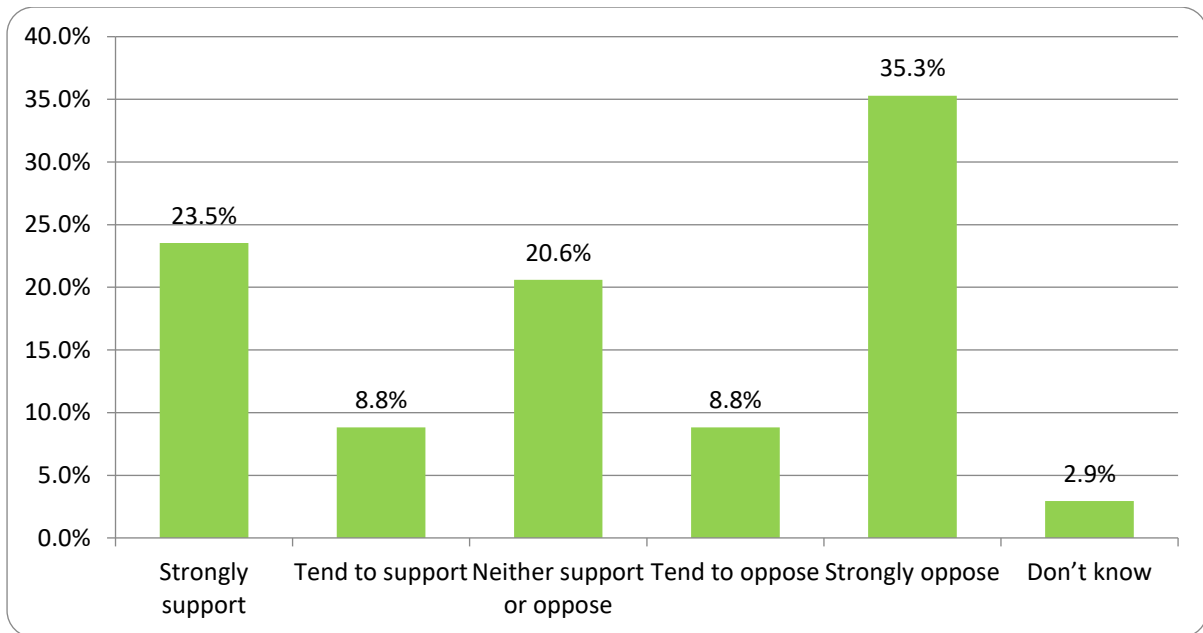
34 people responded to this question listed below are a selection of their comments:

- Most landlords will not understand the meaning of this clause
- Essential

**Question 11: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

**Condition 13 – Emergency Escape Lighting**

The Licence Holder must ensure that any emergency escape lighting which is required to be installed within the House is inspected, tested and serviced in accordance with the requirements of clause 12 of BS 5266 – 1: 1999, or of any subsequent British Standard which replaces it.



Answer Choice	Response	
Strongly support	23.8%	8
Tend to support	8.8%	3
Neither support or oppose	20.6%	7
Tend to oppose	8.8%	3
Strongly oppose	35.3%	12
Don't know	2.9%	1
Total		34

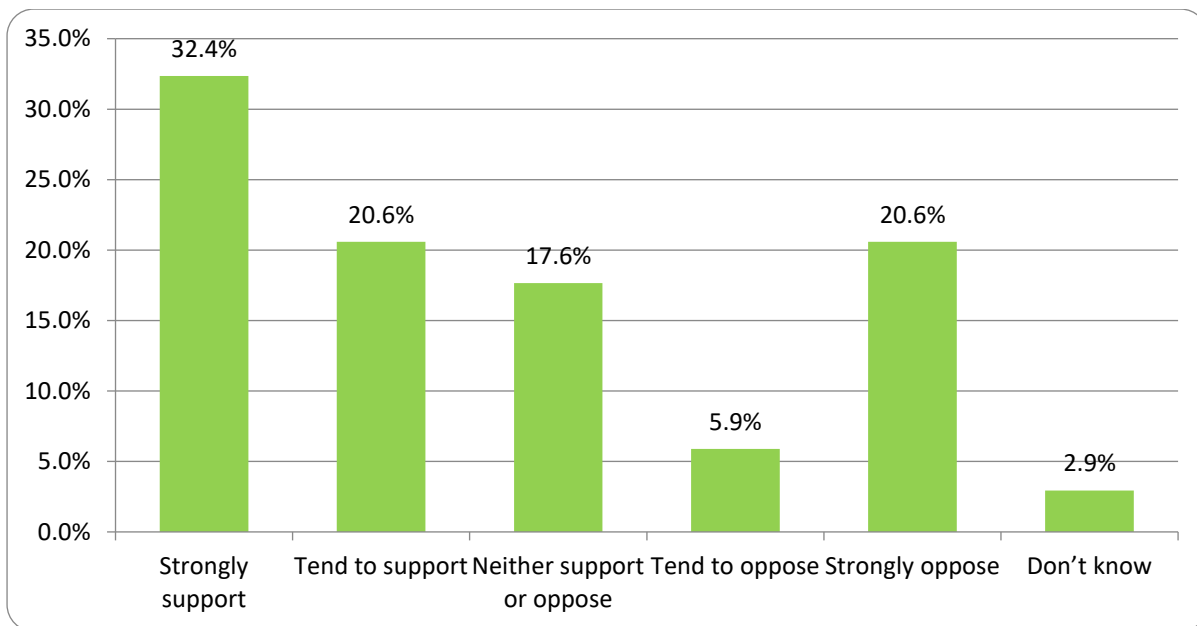
34 people responded to this question listed below are a selection of their comments:

- Should be mandatory.
- Necessary for long corridors, converted lofts and basement.
- I agree with annual testing.
- It is not a British Standard to have them in residential homes.

**Question 12: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

#### **Condition 14 – Personal Washing Facilities**

The Licence Holder must ensure that any room at the House which contains a WC/toilet is also provided with a fixed hand-basin which has a constant supply of both hot and cold running water supplied to it. Adequate drainage arrangements are in place in respect of the removal of foul and waste water from the House. Where either of the above conditions are not met, then the Licence Holder is required to ensure that compliance with both requirements is achieved within 12 months of the date of this Licence.



Answer Choice	Response	
Strongly support	32.4%	11
Tend to support	20.6%	7
Neither support or oppose	17.6%	6
Tend to oppose	5.9%	2
Strongly oppose	20.6%	7
Don't know	2.9%	1
Total		34

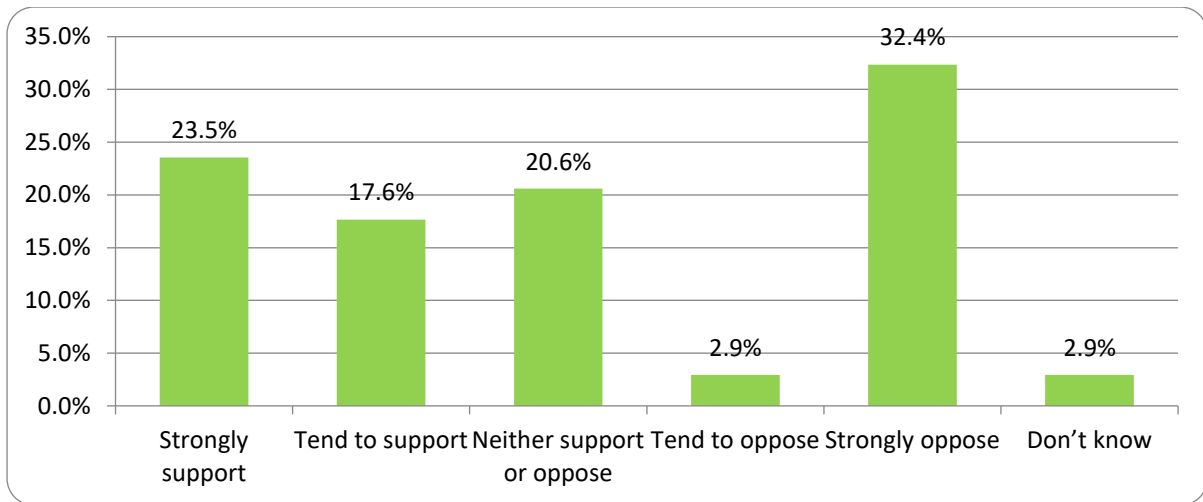
34 people responded to this question listed below are a selection of their comments:

- What do you mean by constant hot water supply? In most houses you set water on a timer
- Should there be a requirement for the number pf toilets to be proportional to be number of occupants?

**Question 13: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

### **Condition 19 – Licence Holder/Manager Details**

The Licence Holder must ensure that a notice giving the name, address, telephone number and e-mail address, together with the emergency contact telephone number of the person managing the House is clearly and prominently displayed in the common parts of the House. If any of the above details change, the notice is amended from time to time so that the correct up to date information is given.



Answer Choice	Response	
Strongly support	23.5%	8
Tend to support	17.6%	6
Neither support or oppose	20.6%	7
Tend to oppose	2.9%	1
Strongly oppose	32.4%	11
Don't know	2.9%	1
Total		34

34 people responded to this question listed below are a selection of their comments:

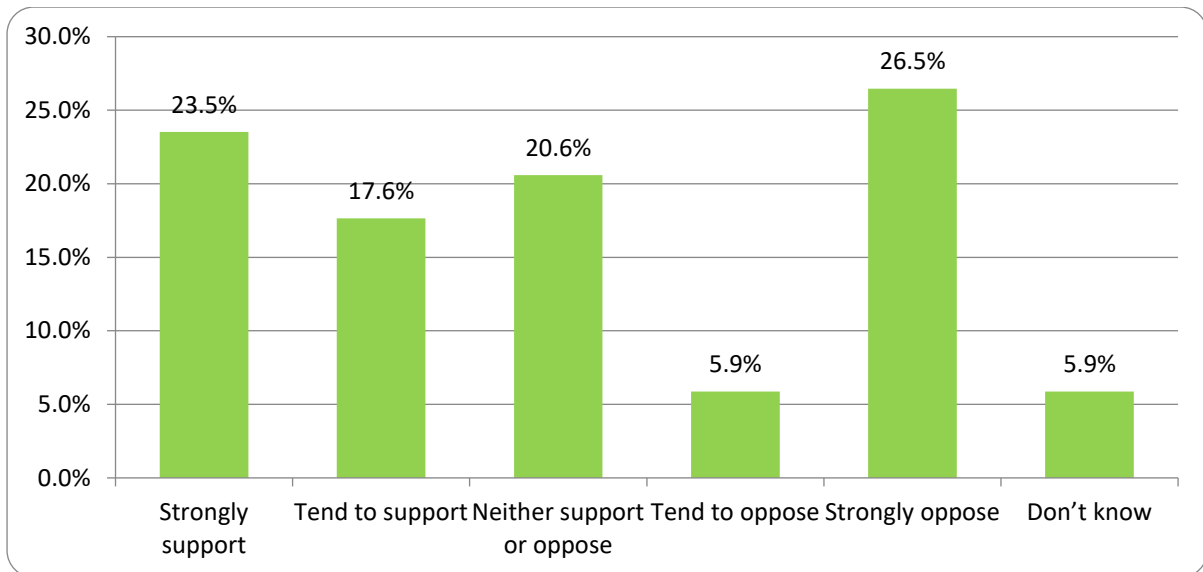
- What if the tenant does not speak English?
- Concerns about Data Protection.
- Makes it less homely.

**Question 14: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

**Condition 20 – Complaints Procedure**

The Licence Holder must ensure that it has a written complaints procedure concerning the management and conditions of the House, a copy of which is given to each tenant at the start of their tenancy.





Answer Choice	Response	
Strongly support	23.5%	8
Tend to support	17.6%	6
Neither support or oppose	20.6%	7
Tend to oppose	5.9%	2
Strongly oppose	26.5%	9
Don't know	5.9%	2
Total		34

34 people responded to this question listed below are a selection of their comments:

- Would suggest that this is included on the licence that is displayed in the property.
- Very bureaucratic.
- Essential to protect the occupants.

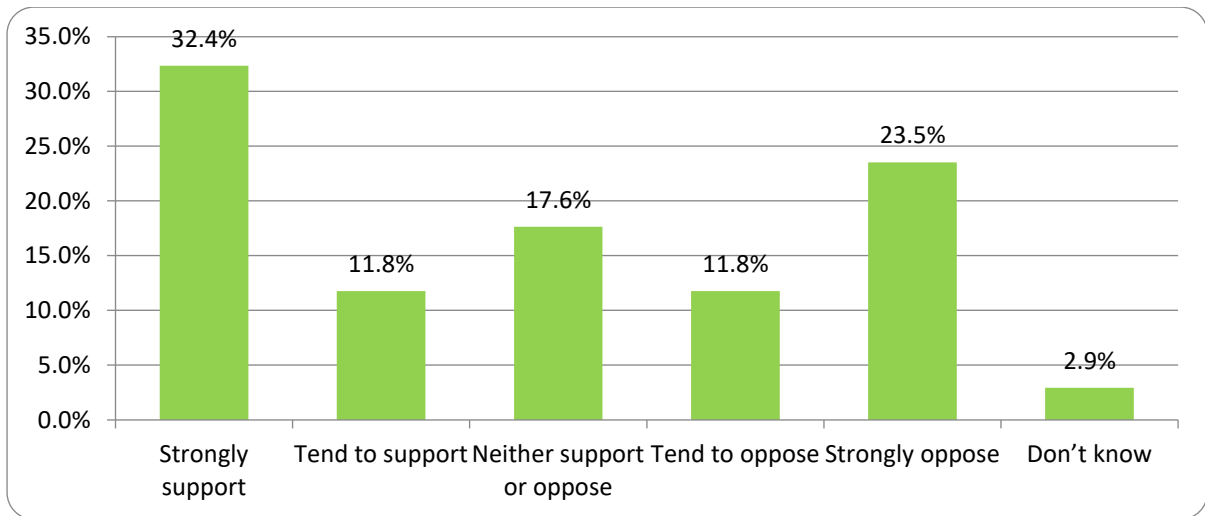
**Question 15: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

**Condition 21 – Anti-Social Behaviour and Damage**

The Licence Holder must ensure that the terms of any tenancy or licence agreement include provisions concerning anti-social behaviour. All reasonable and practicable steps are taken both to prevent (which may include period inspection) and deal with any acts of anti-social behaviour occurring at the House, and which shall include investigating any complaints made about such conduct and liaising with the Authority and/or the Police. If acts of anti-social behaviour occur at the House in breach of the terms of the tenancy or licence agreement, he/she takes appropriate steps to address this which may, in the case of serious or repeated anti-social behaviour, mean commencing possession proceedings.

Records are kept of what action is taken which are provided to the Authority within 7 days of a request to see them. Appropriate notices are prominently displayed in the

common parts of the House reminding tenants of their obligation not to act in an anti-social manner, nor to cause a nuisance or annoyance to other occupiers or neighbouring residents, and to take reasonable care to avoid causing damage to property.



Answer Choice	Response	
Strongly support	32.4%	11
Tend to support	11.8%	4
Neither support or oppose	17.6%	6
Tend to oppose	11.8%	4
Strongly oppose	23.5%	8
Don't know	2.9%	1
Total		34

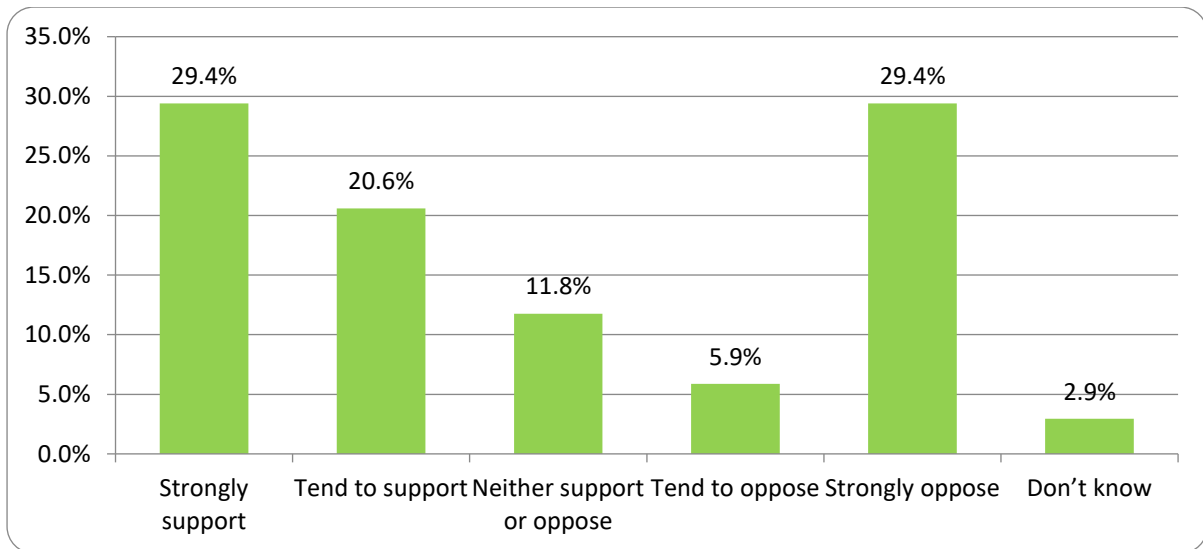
34 people responded to this question listed below are a selection of their comments:

- Essential needs to be mandatory.
- Difficult for landlords to control.
- Nothing to do with the landlord.

**Question 16: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

**Condition 27 – Means of Escape**

The Licence Holder must ensure that all means of leaving and escaping from the House in the event of a fire are kept free from any obstructions, and that fire precautions are maintained which includes informing tenants of this obligation. All tenants are made aware of the procedures which are to be followed in the event of a fire at the House, including the routes out of, and means of escape from, it.



Answer Choice	Response	
Strongly support	29.4%	10
Tend to support	20.6%	7
Neither support or oppose	11.8%	4
Tend to oppose	5.9%	2
Strongly oppose	29.4%	10
Don't know	2.9%	1
Total		34

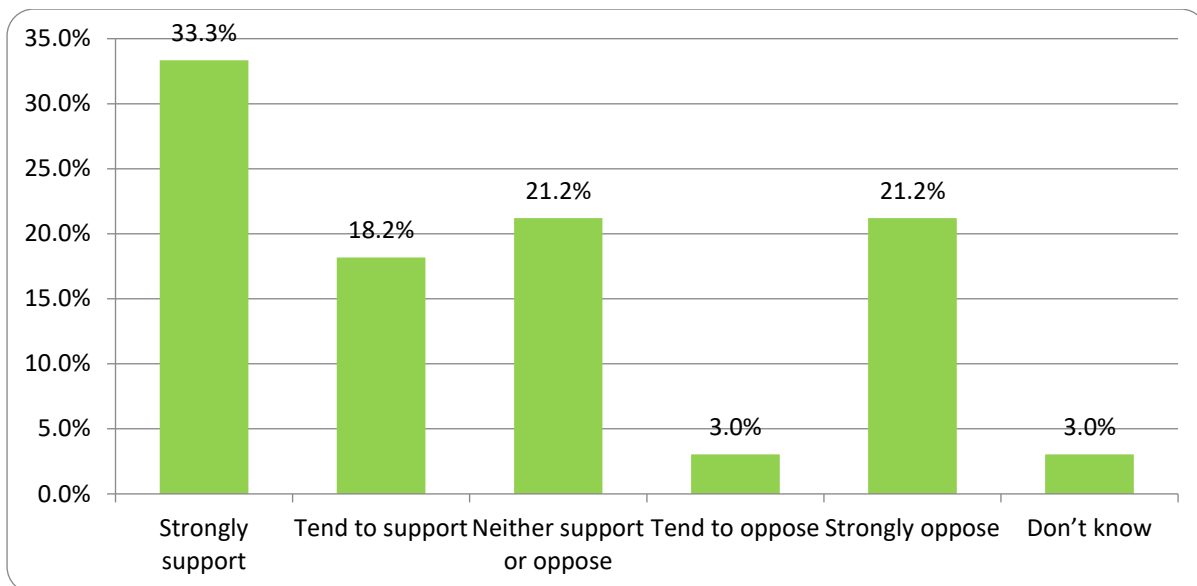
34 people responded to this question listed below are a selection of their comments:

- Tenants responsibility.
- Difficult for landlords to control.

**Question 17: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

**Condition 28 – Fire Blankets**

The Licence Holder must ensure that each kitchen at the House is provided with a fire blanket which conforms to the current British Standard as varied from time to time.



Answer Choice	Response	
Strongly support	33.3%	11
Tend to support	18.2%	6
Neither support or oppose	21.2%	7
Tend to oppose	3%	1
Strongly oppose	21.2%	7
Don't know	3%	1
Total		33

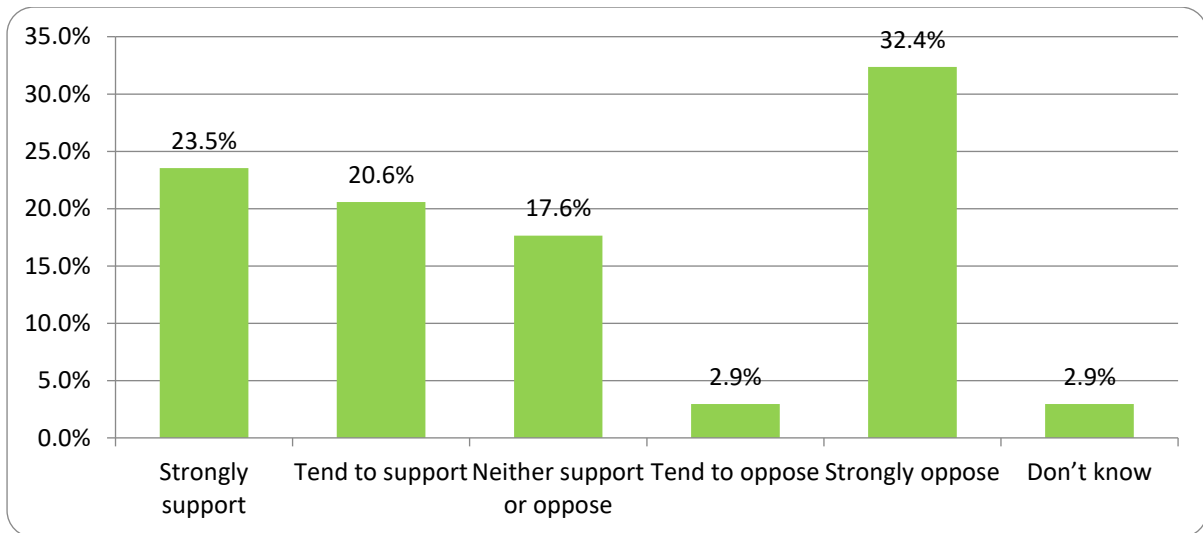
33 people responded to this question listed below are a selection of their comments:

- Should on be HMOs
- Fire blankets in any kitchen is a good idea
- Not always practical to fit hardwired smoke alarm in single family dwellings

**Question 18: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

**Condition 32 – General**

The Licence Holder must ensure that the common parts of the House are kept clean, in a good state of repair and periodically maintained. All tenants, together with their visitors, are reminded that smoking is not allowed in any of the common parts of the House by virtue of the Health Act 2006 and associated regulations.



Answer Choice	Response	
Strongly support	23.5%	8
Tend to support	20.6%	7
Neither support or oppose	17.6%	6
Tend to oppose	2.9%	1
Strongly oppose	32.4%	11
Don't know	2.9%	1
Total		33

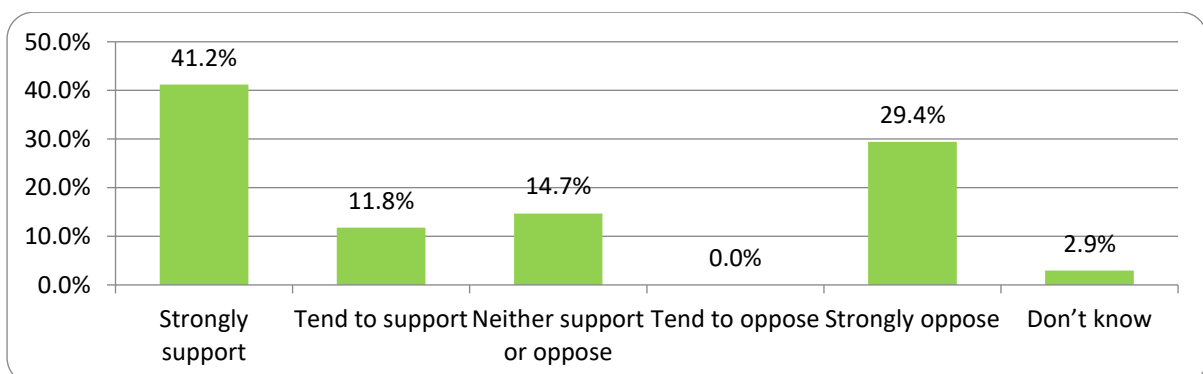
34 people responded to this question listed below are a selection of their comments:

- How can a landlord stop a tenant smoking?
- Only necessary for HMOs

**Question 19: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

**Condition 33 – Changes and Alterations**

The Licence Holder must ensure that the House complies with current planning and building control regulations, and that, in respect of any changes to the physical fabric of the House which requires planning permission or building regulation approval, such permission or approval is obtained before any changes are made.



Answer Choice	Response	
Strongly support	41.2%	14
Tend to support	11.8%	4
Neither support or oppose	14.7%	5
Tend to oppose	0.0%	0
Strongly oppose	29.4%	10
Don't know	2.9%	1
Total		34

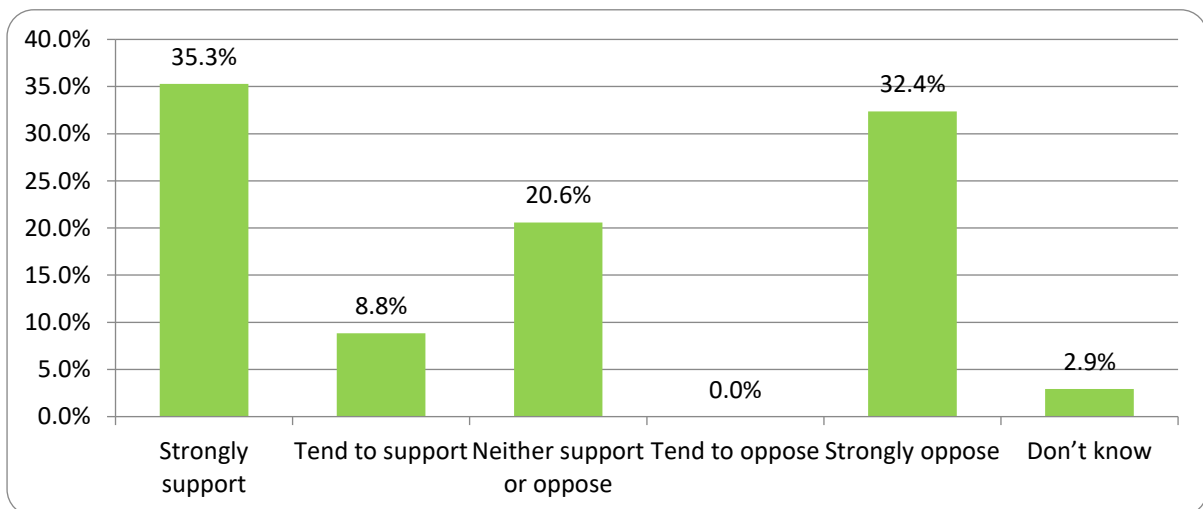
34 people responded to this question listed below are a selection of their comments:

- Better info could be provided to landlords.
- May require extensive work so landlords will sell up and people will be homeless.
- Protects tenants and other local residents.

**Question 20: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

#### **Condition 34 – Management**

The Licence Holder must ensure that he/she complies with all the requirements of the Housing Act 2004, together with the Management of Houses in Multiple Occupation (England) Regulations 2006, and all other secondary legislation which concerns the regulation and management of Houses subject to Part 3 licensing. Any person appointed to act in the capacity of manager of the House complies with requirements of regulations 3 to 9 inclusive of the Management of Houses in Multiple Occupation (England) Regulations 2006, or any such regulations as may from time to time supersede them.



Answer Choice	Response	
Strongly support	35.3%	12
Tend to support	8.8%	3
Neither support or oppose	20.6%	7
Tend to oppose	0%	0
Strongly oppose	32.4%	11
Don't know	2.9%	1
Total		34

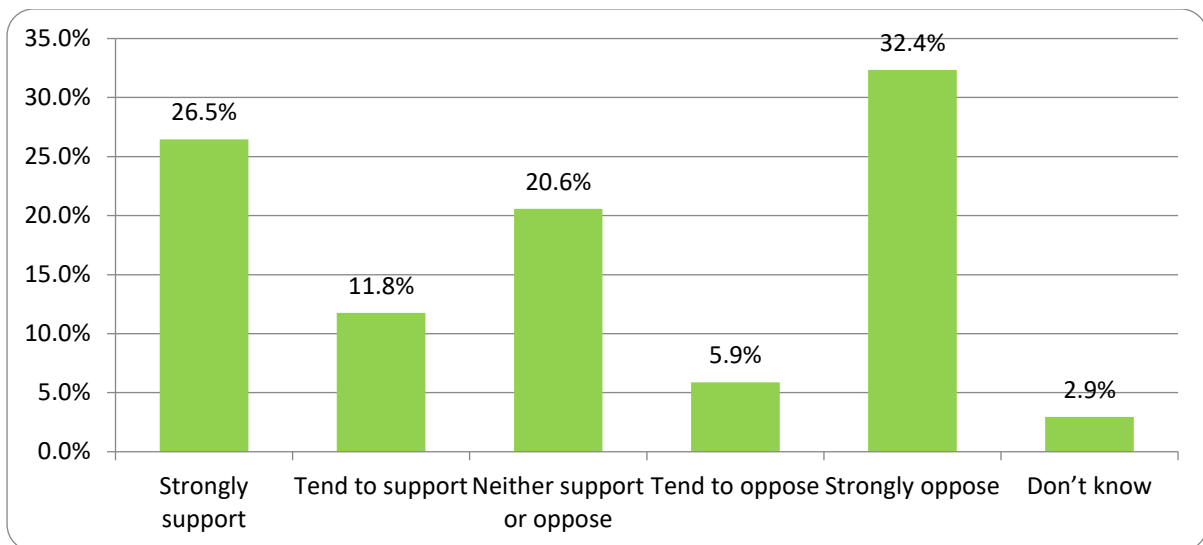
34 people responded to this question listed below are a selection of their comments:

- DASH does this I think and does it well. I am all for it.
- Only HMOs.
- Essential.

**Question 21: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

### Condition 35 – Training

The Licence Holder must ensure that he/she attends sufficient and adequate training so that he/she is familiar with the requirements and obligations of any approved code of conduct made under section 233 of the Housing Act 2004.



Answer Choice	Response	
Strongly support	26.5%	9
Tend to support	11.8%	4
Neither support or oppose	20.6%	7
Tend to oppose	5.9%	2
Strongly oppose	32.4%	11
Don't know	2.9%	1
Total		34

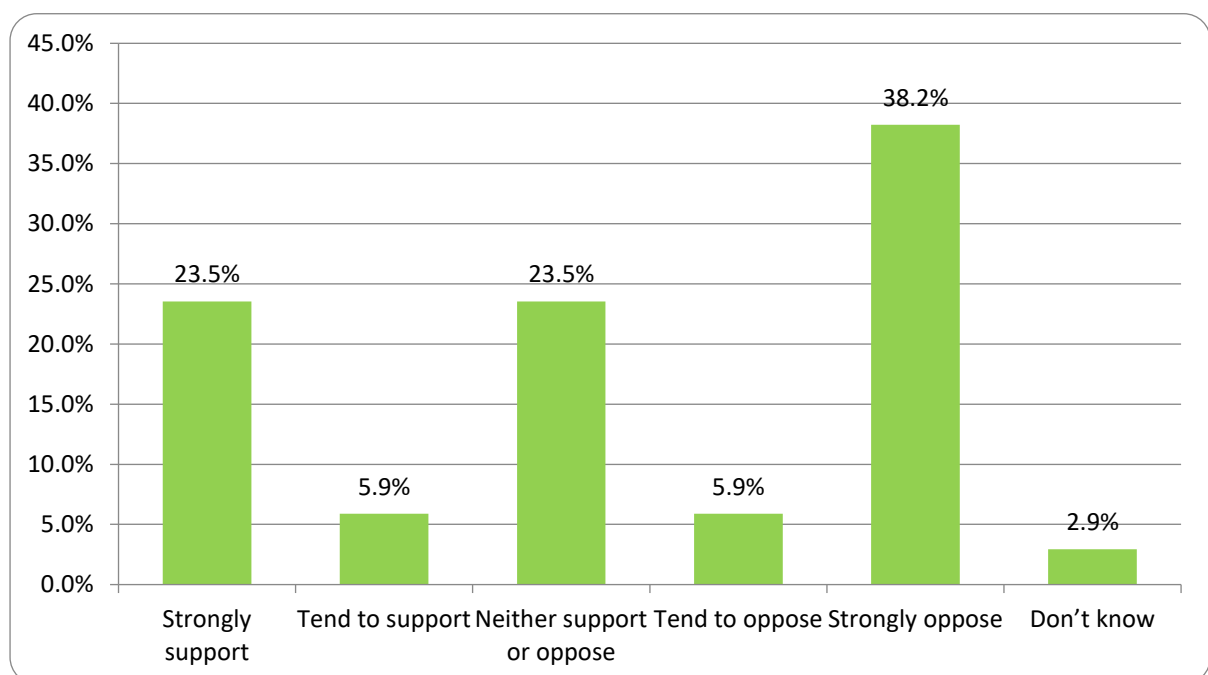
34 people responded to this question listed below are a selection of their comments:

- Properties are managed by managing agent
- Tends to legislate against landlords who do not wish to use agents
- I would like to see something free like DASH offered

**Question 22: Thinking about the proposed selective licensing conditions to what extent do you agree with:**

**Condition 36 – Display of Part 3 Licence**

The Licence Holder must ensure that a copy of the House Licence is displayed at all times in a prominent place in the House, such as on a notice board at the front entrance.



Answer Choice	Response	
Strongly support	23.5%	8
Tend to support	5.9%	2
Neither support or oppose	23.5%	8
Tend to oppose	5.9%	2
Strongly oppose	38.2%	13
Don't know	2.9%	1
Total		34

34 people responded to this question listed below are a selection of their comments:

- Completely unnecessary
- Single family homes do not want to be cluttered up with notice board



**Question 23: Do you have any further comments regarding Licence Conditions for the Selective Licensing Scheme. Are there any additional conditions that you think should be included?**

Further comments received:

- I very much welcome this but it is important that there are enough staff to keep on top of it.
- The Council in pursuing the implementation of these licensing schemes is being socially irresponsible. This is because in these unprecedented times landlords and agents are not able to comply with the requirements and Council resources are unlikely to be able to effectively enforce them. As Charnwood Council seems pointless. The majority of anti-social behaviour no doubt arises from tenants in Council owned properties
- If you bring in this licensing in, it will push landlords away from the area, I would consider taking investments away from Loughborough. If I do stay, I will have to increase the rent to cover the costs

# **Houses in Multiple Occupation Licence Conditions**

**June 2021**

# Houses in Multiple Occupation Licence Conditions

This document constitutes Appendix 1 of any Licence granted by Charnwood Borough Council under either the mandatory licensing of Houses in Multiple Occupation, or the additional licensing of Houses in Multiple Occupation designation applicable in the borough of Charnwood.

It includes both the conditions specified in Schedule 4 of Housing Act 2004, together with additional conditions which Charnwood Borough Council consider appropriate for regulating the management, use and occupation of the house which is to be licensed, and its contents and conditions, and are imposed under sections 67 and 68 of the Housing Act 2004.

## **Important Notice**

It is the Licence Holder's responsibility to ensure compliance with the requirements of all the Licence conditions set out in this document. Failure to do so may result in prosecution for breach of Licence conditions, service of a civil penalty of up to £30,000 in respect each Licence condition breach; and/or the revocation of the Licence.

The Licence Holder, as the person to whom this Licence has been granted, is responsible for ensuring compliance with its conditions at all times, and that any person acting on their behalf in the management of the house is made aware of, and complies with, the obligations and responsibilities set out in this document.

It is your responsibility to ensure that you have any other necessary permissions or consents in place to enable the property to be used as a house in multiple occupation. The granting of a licence does not override any other private or public law provisions in this respect.

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## Part I PERMITTED OCCUPATION

### Condition 1 – Maximum Permitted Occupancy per Bedroom/Bedsit (Appendix 2)

1. The Licence Holder must ensure that:
  - 1.1 The Council are notified of any bedroom in the HMO with a floor area of less than 4.64 square metres. The maximum occupancy limit per bedroom shall be as follows, in accordance with the Council's adopted Guidance Standards for Licensable Houses in Multiple Occupation.

#### Maximum permitted occupancy per bedroom/bedsit

Room Number	Location	Maximum occupancy (units)
Room 1	Ground floor front bedroom	X
Room 2	Ground floor middle bedroom	X
Room 3	Ground floor rear bedroom	X
Room 4	First floor front bedroom	X
Room 5	First floor rear right hand bedroom	X
Room 6	First floor rear left hand bedroom	X

*(Please note: References to left right, front, and back are as if the viewer is inside the house looking towards the street.)*

**Regardless of the number of persons occupying individual rooms, the total number of persons and households occupying the dwelling must not exceed the permitted number as shown on this licence.**

Please note:

- 0.5 units = 1 person under the age of 10 years old
  - 1 unit = 1 person over the age of 10 years old
- 1.2 The licence holder must supply to the occupiers of the house a written statement of the terms on which they occupy it.

### Condition 2 - Requirement for Works to be Carried Out

2. The Licence Holder must ensure that:
  - 2.1 If the Authority specify any works as necessary to be carried out as a condition of the grant of this Licence, then such works are carried out within the time period so specified.

## Part II PROPERTY MANAGEMENT

### Condition 3 - Gas Safety

3. The Licence Holder must ensure that:
  - 3.1 If gas is supplied to the HMO a copy of the current gas safety certificate obtained in respect of the HMO within the last 12 months is provided to the Authority annually for their inspection, to cover both and all the residentially occupied and the common parts of the HMO.
  - 3.2 The certificate states that it covers the complete gas installation including: supply pipes, flues, gas appliances and that they are safe to be operated.
  - 3.3 That each year an annual inspection of the HMO is undertaken by a suitably qualified and experienced gas engineer in accordance with the requirements of the Gas Safety (Installation and Use) Regulations 1998, or any subsequent amended regulations. Any defects noted on the certificate must be promptly rectified and certified as satisfactory.

### Condition 4 – Electrical Installation and Safety

4. The Licence Holder must ensure that:
  - 4.1 Every electrical appliance which is provided by the Licence Holder for the use of a tenant is, and always remains in, a safe condition and the licence holder shall ensure that a record of visual inspections and tests is maintained
  - 4.2 The licence holder shall supply to the Authority within 7 days of its demand the record of visual inspections and tests.
  - 4.3 The licence holder shall supply to the Authority within 7 days of its demand a declaration as to the safety of electrical appliances.
  - 4.4 The licence holder shall ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person competent to undertake such inspection and testing.
  - 4.5 The licence holder shall obtain from the person conducting that inspection and testing a report specifying the results of the inspection and testing.
  - 4.6 The licence holder shall supply to the Authority within 7 days of its demand any such report.
  - 4.7 The electricity supply to the fire detection and emergency lighting system at the HMO is neither disconnected, nor threatened with disconnection, due to the non-payment of any money owing to the relevant supplier.

## **Condition 5 - Furniture and Furnishing**

5. The Licence Holder must ensure that:
  - 5.1 Every item of upholstered furniture, including: sofas, chairs, children's furniture, beds, upholstered headboards or garden furniture; together with all soft furnishings, including: mattresses, seat pads, cushions or pillows which are supplied to a tenant must comply with the relevant safety tests as prescribed under the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended), or any later amended regulations.
  - 5.2 Upon receiving a demand by the Authority to provide a declaration as to the safety of such furniture and soft furnishings, such is provided within 14 days.

## **Condition 6 - Storage and Disposal of Household Waste**

6. The Licence Holder must ensure that:
  - 6.1 Arrangements are made that comply with any scheme which the Authority adopt in connection with the storage and collection of household waste at HMOs pending collection.
  - 6.2 Where no such scheme has been adopted, that suitable refuse and re-cycling containers are provided on a scale sufficient for the number of tenants.
  - 6.3 Any necessary supplementary arrangements for the disposal or refuse and re-cyclable materials from the HMO are made having regard to the services provided by the Authority.
  - 6.4 If within the curtilage of the HMO there is insufficient space to store refuse, waste and re-cyclable materials, adequate arrangements for extra collections of such are made.
  - 6.5 Each tenant is informed in writing, at the start of their tenancy, of the days on which refuse, and re-cycling collection happens, and this information is displayed in a prominent position in the HMO.

## **Condition 7 - Pests**

7. The Licence Holder must ensure that:
  - 7.1 Reasonable precautions are taken to ensure that the HMO, together with its curtilage and garden are, so far as is practicable, kept free from pest infestation.
  - 7.2 Within 7 days of becoming aware of any pest infestation, adequate steps are taken with a view to effectively controlling such infestation.

## **Condition 8 - Water Supply and Drainage**

8. The Licence Holder must ensure that:

- 8.1 Adequate measures are taken to ensure that there is no unreasonable interruption in the supply of water to the HMO.
- 8.2 Sufficient steps are taken to ensure that the HMO's drainage system is kept free of obstructions.

### **Condition 9 - External Areas**

9. The Licence Holder must ensure that:
  - 9.1 Any garden, forecourt, yard, or passageway within the HMO's curtilage is kept in a reasonably clean and tidy condition.
  - 9.2 If a tenant, or a member of their household, or their visitor causes a breach of condition 9.1 above, steps are immediately taken to address the matter including a written warning being given to the tenant within 14 days of it coming to the attention of the Licence Holder.
  - 9.3 No items of discarded furniture, bedding, clothing, toys, refuse, or rubbish are left outside the HMO, or on the public highway, or on third party private land except where this occurs in anticipation of a pre-arranged collection.
  - 9.4 All domestic rubbish and refuse is stored in suitable bins pending its collection.
  - 9.5 A copy of any written warnings that have been given to a tenant are provided to the Authority within 7 days of a request being made to see the same.

### **Condition 10 - Emergency Escape Lighting**

10. The Licence Holder must ensure that:
  - 10.1 Where emergency escape lighting is provided within the property it is maintained in working order, tested regularly and that a full system test, inspection and service is completed annually by a competent person in line with the current British Standards or any which subsequently replace these.
  - 10.2 The licence holder shall obtain from the person conducting such inspection and testing a certificate specifying the results of the inspection and testing.
  - 10.3 The licence holder shall supply to the Authority within 7 days of its demand any such certificates.



## **Part III TENANCY MANAGEMENT**

### **Condition 11 - Tenancy Agreements**

11. The Licence Holder must ensure that:
  - 11.1 At the start of each tenancy, or licensed period of occupation, the tenant is provided with a written agreement which clearly sets out the terms upon which the tenant is permitted to occupy the HMO.

### **Condition 12 - Terms of Occupation**

12. The Licence Holder must ensure that:
  - 12.1 Occupancy levels at the HMO do not exceed those set by the Licence.
  - 12.2 If occupancy levels exceed those permitted by the Licence then, upon becoming aware of this, all reasonable lawful steps are taken to ensure that the number of occupiers is reduced to the permitted level as soon as is reasonably practicable.

### **Condition 13 - Tenants' Rights**

13. The Licence Holder must ensure that each tenant's legal rights are observed, which includes but is not limited to:
  - 13.1 Giving reasonable notice to complete emergency repairs, 7 days' notice in the case of non-emergency repairs and 24 hours notice prior to inspections of the premises within the HMO which are occupied by the tenant.
  - 13.2 Terminating a tenancy or licensed period of occupation in a lawful manner.
  - 13.3 Ensuring utilities serving the HMO are not disconnected, nor unreasonably interrupted.

### **Condition 14 - Licence Holder/Manager Details**

14. The Licence Holder must ensure that:
  - 14.1 A notice giving the name, address, telephone number and e-mail address, together with the emergency contact telephone number of the person managing the HMO is clearly and prominently displayed in the common parts of the HMO.
  - 14.2 If any of the above details change, the notice is amended from time to time so that the correct up to date information is given.

### **Condition 15 – References**

15. The Licence Holder must ensure that:

- 15.1 References are obtained for new occupiers before entering into any occupancy agreement with them or allowing them to occupy the premises. Where obtained, copies of these references shall be kept for the duration of this licence and made available to the Council within seven (7) days of the Council's demand.

### **Condition 16 - Complaints Procedure**

16. The Licence Holder must ensure that:
- 16.1 They have a written complaints procedure concerning the management and conditions of the HMO, a copy of which is given to each tenant at the start of their tenancy.

### **Condition 17 - Anti-social Behaviour and Damage**

17. The Licence Holder must ensure that:
- 17.1 The terms of any tenancy or licence agreement include provisions concerning anti-social behaviour.
- 17.2 All reasonable and practicable steps are taken both to prevent (which may include periodic inspections) and deal with any acts of anti-social behaviour occurring at the HMO, which shall include investigating any complaints made about such conduct and liaising with the Authority and/or the Police.
- 17.3 If acts of anti-social behaviour occur at the HMO in breach of the terms of the tenancy or licence agreement, they take appropriate steps to address this which may, in the case of serious or repeated anti-social behaviour, mean possession proceedings.
- 17.4 Records are kept of what action is taken which are provided to the Authority within 7 days of a request to see them.
- 17.5 Appropriate notices are prominently displayed in the common parts of the HMO reminding tenants of their obligation not to act in an anti-social manner, nor to cause a nuisance or annoyance to other occupiers or neighbouring residents, and to take reasonable care to avoid causing damage to property.

## Part IV FIRE SAEFTY

### Condition 18 - Smoke Alarms

18. The Licence Holder must ensure that:
- 18.1 The licence holder shall ensure that at all times a suitable fire detection and alarm system is installed in the property, maintained in proper working order, tested inspected and serviced in accordance with the current British Standards or any which subsequently replace these.
  - 18.2 The licence holder shall obtain from the person conducting such inspection and testing a certificate specifying the results. The certificates must be completed and issued by a competent person and must demonstrate that the complete installation has been fully checked and serviced within the previous 12 months.
  - 18.3 The licence holder shall supply to the Authority within 7 days of its demand any such certificates.
  - 18.4 There must be at least one smoke alarm installed on each storey of the house on which there is a room used wholly or partly as living accommodation. For these purposes a bathroom or lavatory is a room used as living accommodation.
  - 18.5 The licence holder shall supply to the Authority within 7 days of its demand a declaration as to the condition and position of any smoke alarms/detectors in the HMO.

### Condition - 19 Fire Precautions

19. The Licence Holder must ensure that:
- 19.1 Adequate and sufficient fire precaution facilities and equipment are provided at the HMO in accordance with any relevant British Standard, Building Regulations' approval, or other guidance and advice document issued by any competent authority in respect of fire precaution facilities and equipment.
  - 19.2 All means of leaving and escaping from the HMO in the event of a fire are kept free from any obstructions, and that fire precautions are maintained which includes informing tenants of this obligation.
  - 19.3 All tenants are made aware of the procedures which are to be followed in the event of a fire at the HMO, including the routes out of, and means of escape from, it.

### Condition 20 - Carbon Monoxide Alarm

20. The Licence Holder must ensure that:
- 20.1 A carbon monoxide alarm is installed in any room in the HMO which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance.
  - 20.2 Such an alarm is kept in proper working order; and

20.3 The authority is supplied with, on demand, a declaration by them as to the condition and positioning of any such alarm.

### **Condition 21 - Fire Risk Assessment**

21. The Licence Holder must ensure that:

21.1 A fire risk assessment is carried out at the HMO, and that all known risks and hazards noted by such assessment are, in so far as is reasonably practicable, documented and minimised.

## **Part V GENERAL**

### **Condition 22 – General**

22. The Licence Holder must ensure that:

- 22.1 The HMO's common parts are kept clean, in a good state of repair and periodically maintained.
- 22.2 All tenants are made aware that smoking is not allowed in any of the common parts of the HMO by virtue of the Health Act 2006 and associated regulations.

### **Condition 23 - Changes and Alterations**

23. The Licence Holder must ensure that:

23.1 In respect of any change to the:

- Licence holder's residential address or contact details, or where the licence holder is a business, if the business address has changed.
- Freehold or leasehold ownership.
- Management arrangements at the HMO.
- Licence Holder or manager's circumstances which may impact upon their status as a fit and proper person – including but not limited to: cautions, criminal conviction for an offence concerning either dishonesty, fraud, violence, misuse of drugs, discrimination, or housing regulations.

such change is reported in writing to the Authority within 21 days of it occurring (or any such lesser period that is specified in any relevant regulation).

23.2 Any proposed changes to the construction, layout or amenity provisions at the HMO that may affect the licence or licence conditions must be reported to the Council before the work is carried out, as this may require a licence variation.

### **Condition 24 – Training (Appendix 3)**

24. The Licence Holder must ensure that:

24.1 Where the licence holder has not attended relevant training in the previous three (3) years, they must as a minimum attend suitable training on the law and legal requirements relating to managing privately rented housing including HMOs within 12 months of the date the licence is granted.

### **Condition 25 - Display of HMO Licence**

25. The Licence Holder must ensure that:

25.1 A copy of the HMO Licence is displayed at all times in a prominent place in the HMO.

### Definitions

In these proposed Licence conditions, the following words are defined below:

“Authority” refers to Charnwood Borough Council acting in its capacity as a local housing authority.

“Additional Licensing designation” means the designation of the borough of Charnwood as the area in respect of which all HMOs are required to be licensed under Part 2 of the Housing Act 2004.

“BS” means British Standard.

“Discretionary Conditions” means licence conditions imposed by the Authority under sections 67 and 68 of the Housing Act 2004.

“Electrical Installations” has the meaning given to those words in regulation 2(1) of the Building Regulations 2010.

“HMO” refers to the building (or part of it), or such part of it, as is licensed under Part 2 of the Housing Act 2004.

“House” refers to any HMO.

“Licence” means the licence granted by the Authority under Part 2 of the Housing Act 2004 pursuant to an application made by the proposed Licence Holder.

“Licence Holder” refers to:

- (i) the person to whom the Authority has granted the Licence, and
- (ii) from the date of his or her consent, any other person who agrees to comply with the Licence conditions, restriction and obligations that follow.

“Mandatory Conditions” means the licence conditions specified in Schedule 4 of Housing Act 2004 which must be imposed upon a Licence granted under Part II.

“Tenant” includes a licensee or any other occupier of the HMO.

### **Condition 1 - Maximum Permitted Occupancy per Bedroom/Bedsit**

The assessment of the number of people sharing will take into account both babies and children, with each having their own allocation of space.

Everyone aged over the age of 10 years old must be able to occupy sleeping accommodation so that they do not have to share with someone who is not a close relative, or with someone of the opposite sex unless they are living together/co-habiting. For the definition of close relative, this means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece, or cousin.

Only the useable floor space will be included in calculating a room's floor area after having deducted: corridors, toilet compartments, bathrooms, shower-rooms, and chimney breasts.

The ceiling height must be a minimum 1.9 metres over at least half of the floor area, and any area with a ceiling height of less than 1.5 metres shall not be counted as part of the habitable floor area.

No staircase or landing, nor any room which has been designed or appointed as either a kitchen, or as a bathroom, shall be deemed as suitable for sleeping accommodation.

Please refer also to the Authority's adopted Guidance Standards for Licensable Houses in Multiple Occupation.

## Condition 24 - Training

The training requirement in conditions 24 is a minimum requirement and depending on the level of responsibility and complexity of properties involved the licence holder should consider undertaking further relevant training in line with the extent of their liabilities.

This requirement for condition 24 can be satisfied by the completion of a one-day training course or online equivalent covering the law and legal requirements relating to managing privately rented houses.

Once completed, submit a certificate or other confirmation to the Council following this training.

The following are recognised as providing a suitable course to satisfy this condition.

DASH Services Landlord Development Course [www.dashservices.org.uk](http://www.dashservices.org.uk)  
linda.cobb@derby.gov.uk 01332 641111

East Midlands Property Owners (EMPO) Basic Law for Lettings:  
[www.empo.co.uk/trainingcourses.html](http://www.empo.co.uk/trainingcourses.html) [www.empo.co.uk/contact-us.html](http://www.empo.co.uk/contact-us.html), telephone 0115 9502639

National Landlords Association (NLA) Foundation Course: [www.landlords.org.uk/foundation](http://www.landlords.org.uk/foundation)  
[www.landlords.org.uk/contact-nla](http://www.landlords.org.uk/contact-nla), telephone 020 7840 8920

Residential Landlords Association (RLA) Landlords Principles of Letting or Agents Principles of Lettings (e-Learning also available):  
[www.rla.org.uk/landlord/courses/landlord\\_training\\_courses.shtml](http://www.rla.org.uk/landlord/courses/landlord_training_courses.shtml) [info@rla.org.uk](mailto:info@rla.org.uk)



### **Failure to comply with any licence conditions is an offence**

#### **Prosecution/Enforcement Action**

It is the Licence Holder's responsibility to ensure compliance with the requirements of all the Licence conditions set out in this document. Failure to do so may result in prosecution for breach of Licence conditions; service of a civil penalty of up to £30,000 in respect each Licence condition breach; and/or the revocation of the Licence.

The Licence Holder, as the person to whom this Licence has been granted, is responsible for ensuring compliance with its conditions at all times, and that any person acting on their behalf in the management of the house is made aware of, and complies with, the obligations and responsibilities set out in this document.

#### **Limitations of the Licence Transfer**

This Licence is personal to the Licence Holder and cannot be transferred to another person, organisation or property.

#### **Registered Companies**

If the licence holder is a registered company and it is dissolved while the licence is in force, the licence ceases to be in force on the date of dissolution.

#### **Property Condition**

This property licence is not proof or evidence that the house is safe and free from hazards and defects. The property licence does not prevent criminal or civil legal action being taken against the licence holder, or anyone else with an interest in the property, if any hazards or nuisances are found or any other problems discovered in relation to the condition of the property.

#### **Building Control**

This property licence does not grant any Building Control (Development Control) approvals, consent, or permissions, retrospectively or otherwise. This property licence does not offer any protection or excuse against any enforcement action taken by the Building Control (Development Control) Department.

#### **Planning Permission**

This property licence does not grant, any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise. You should check the Council's website to ensure the correct planning permissions are in place. This property licence does not offer any protection or excuse against any enforcement action taken by the Planning Services.

## Variation

No changes may be made to the use, layout, or maximum occupancy level of the property without the Council's prior written consent. Where the licence holder or a relevant person applies to vary a licence they should do so at the earliest opportunity. The original licence stays in force until the variation is determined and comes into effect a person making unauthorised changes may be liable to prosecution or other forms of enforcement action.

## Leasehold Agreements

It is your responsibility to check the terms of any lease that you hold to ensure that operating the property as a House in Multiple Occupation does not breach the terms of your lease.

## Guidance Information

These do not form part of the licence conditions, but you may still be under an obligation to comply with them.

### Consumer Rights and Unfair Practices

The Office of Fair Trading's (OFT) guidance on unfair contracts when conducting their business, drawing up tenancies, contracts, or the service of notices on tenants and/or agents. The Licence Holder must act in good faith and must not conduct actions which would be considered a misleading action or omission. Full information should be supplied to any prospective tenant including details of this licence.

Further advice can be found here: <https://www.gov.uk/government/publications/unfair-contract-terms-cma37> <https://www.gov.uk/government/publications/unfair-terms-in-tenancy-agreements--2>

### Gas Safety

If gas is supplied to the house the licence holder shall ensure the Gas Safety (Installation and Use) Regulations 1998 (or any Regulations which subsequently replace these) are complied with. Details of competent Gas Safe engineers can be found at [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk).

### Electrical Safety

The licence holder shall ensure that the Electrical Equipment (Safety) Regulations 1994 (or any Regulations which subsequently replace these) are complied with. Certificates must be in the format recommended in the British Standards. All electrical checks, works and certification must be carried out by a competent persons being a suitably qualified electrical contractor who should be registered / member of an approved scheme such as NICEIC, ECA, NAPIT etc. or registered to undertake electrical works in accordance with Part P of the Building Regulations (unless exempt works).

### Smoke Alarms, Fire Detection Systems and Emergency Escape Lighting

Depending on the size, layout, and occupancy of the property the licence holder may need to go over and above the legal minimum standards to adequately protect the tenants from fire and may also need to undertake a risk assessment. When doing this the licence holder should have regard to the current Building Regulations; and the LACORS Fire Safety Guide. The LACORS Fire Safety guidance is available at: <https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>.

### Competent Person

A competent person is someone who has sufficient training and experience or knowledge and other qualities that allow them to assist you properly. The level of competence required will depend on the complexity of the situation and the particular help you need.

[www.competentperson.co.uk](http://www.competentperson.co.uk).

## **Furniture Safety**

The licence holder shall ensure that the Furniture and Furnishings (Fire Safety) Regulations 1988 (or any Regulations which subsequently replace these) in respect of any upholstered furniture supplied by them, including chairs, sofas, beds, upholstered head boards, mattresses, cushions, seat pads, pillows and upholstered garden furniture etc. are complied with. Further information on the requirements can be found in this guide: <https://www.fira.co.uk/images/FIRA-Flammability-Guide.pdf>.

## **Deposits**

The licence holder shall ensure that any deposit taken as security for a tenancy is protected as appropriate by placing it in an approved tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used in a specified time.

## **Right to rent**

Only people with permission or a right to be in the UK have a right to rent property. As a landlord, you have a responsibility to restrict illegal immigrants accessing the private rented sector. If you are found letting to someone who does not have the right to be in the UK, and you cannot show that you have made right to rent checks, then you could face a penalty of £3,000. For more information visit [www.gov.uk/check-tenant-right-to-rent-documents](http://www.gov.uk/check-tenant-right-to-rent-documents).

## **Energy Performance Certificates (EPCs)**

Licence holders shall ensure they comply with relevant legislation, ensuring tenants have sight of a current EPC for the property at the appropriate time. From 1st April 2018 domestic properties in England and Wales must have an EPC certificate with a minimum E rating for energy efficiency.

## **Redress Scheme**

Where the licence holder is also a letting agent or property manager they shall be a member of a relevant property redress scheme. More information is available at [www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes](http://www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes).

# **Selective Licensing Scheme Conditions**

**June 2021**

# Selective Licensing Scheme Conditions

This document constitutes Appendix 1 of any Licence granted by Charnwood Borough Council under the selective licensing of Private Sector Rented Houses designation applicable to the Hastings and Lemyngton wards in the borough of Charnwood.

It includes both the conditions specified in Schedule 4 of Housing Act 2004, together with such additional conditions which Charnwood Borough Council consider appropriate for regulating the management, use and occupation of the house which is to be licensed and are imposed under sections 90 and 91 of the Housing Act 2004.

## Important Notice

It is the Licence Holder's responsibility to ensure compliance with the requirements of all the Licence conditions set out in this document. Failure to do so may result in prosecution for breach of Licence conditions, service of a civil penalty of up to £30,000 in respect each Licence condition breach; and/or the revocation of the Licence.

The Licence Holder, as the person to whom this Licence has been granted, is responsible for ensuring compliance with its conditions at all times, and that any person acting on their *behalf* in the management of the house is made aware of, and complies with, the obligations and responsibilities set out in this document.

It is your responsibility to ensure that you have any other necessary permissions or consents in place to enable the property to be used as a house in multiple occupation. The granting of a licence does not override any other private or public law provisions in this respect.

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## Part I PERMITTED OCCUPATION

### Condition 1 - Requirement for Works to be Carried Out

1. The Licence Holder must ensure that:
  - 1.1 The Licence Holder must ensure that if the Authority specify any works as necessary to be carried out as a condition of the grant of this Licence, then such works are carried out within the time period so specified.



## **Part II PROPERTY MANAGEMENT**

### **Condition 2 - Gas Safety**

2. The Licence Holder must ensure that:
  - 2.1 If gas is supplied to the House a copy of the current gas safety certificate obtained in respect of the house within the last 12 months is provided to the Authority annually for their inspection.
  - 2.2 The certificate states that it covers the complete gas installation including: supply pipes, flues, gas appliances and that they are safe to be operated.
  - 2.3 That each year an annual inspection of the House is undertaken by a suitably qualified and experienced gas engineer in accordance with the requirements of the Gas Safety (Installation and Use) Regulations 1998, or any subsequent amended regulations. Any defects noted on the certificate must be promptly rectified and certified as satisfactory.

### **Condition 3 - Electrical Installation and Safety**

3. The Licence Holder must ensure that:
  - 3.1 Every electrical appliance which is provided by the Licence Holder for the use of a tenant is, and always remains in, a safe condition and the licence holder shall ensure that a record of visual inspections and tests is maintained.
  - 3.2 The licence holder shall supply to the Authority within 7 days of its demand the record of visual inspections and tests.
  - 3.3 The licence holder shall supply to the Authority within 7 days of its demand a declaration as to the safety of electrical appliances.
  - 3.4 The licence holder shall ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person competent to undertake such inspection and testing.
  - 3.5 The licence holder shall obtain from the person conducting that inspection and testing a report specifying the results of the inspection and testing.
  - 3.6 The licence holder shall supply to the Authority within 7 days of its demand any such report

### **Condition 4 - Furniture and Furnishing**

4. The Licence Holder must ensure that:
  - 4.1 Every item of upholstered furniture, including: sofas, chairs, children's furniture, beds, upholstered headboards or garden furniture; together with all soft furnishings, including: mattresses, seat pads, cushions or pillows which are supplied to a tenant must comply with the relevant safety tests as prescribed under the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended), or any later amended regulations.

- 4.2 All items of furniture supplied are, and remain, labelled to show that they comply with the relevant safety tests.
- 4.3 Upon receiving a demand by the Authority to provide a declaration as to the safety of such furniture and soft furnishings, such is provided within 14 days.

### **Condition 5 - Storage and Disposal of Household Waste**

5. The Licence Holder must ensure that:
  - 5.1 Arrangements are made that comply with any scheme which the Authority adopt in connection with the storage and collection of household waste at Houses pending collection.
  - 5.2 Where no such scheme has been adopted, that suitable refuse and re-cycling containers are provided on a scale sufficient for the number of tenants.
  - 5.3 Any necessary supplementary arrangements for the disposal or refuse and re-cyclable materials from the House are made having regard to the services provided by the Authority.
  - 5.4 If within the curtilage of the House there is insufficient space to store refuse, waste and re-cyclable materials, adequate arrangements for extra collections of such are made.
  - 5.5 Each tenant is informed in writing, at the start of their tenancy, of the days on which refuse and re-cycling collection happens.

### **Condition 6 - Pests**

6. The Licence Holder must ensure that:
  - 6.1 Reasonable precautions are taken to ensure that the House, together with its curtilage and garden are, so far as is practicable, kept free from pest infestation.
  - 6.2 Within 7 days of becoming aware of any pest infestation, adequate steps are taken with a view to effectively controlling such infestation.

### **Condition 7 - Water Supply and Drainage**

7. The Licence Holder must ensure that:
  - 7.1 Adequate measures are taken to ensure that there is no unreasonable interruption in the supply of water to the House.
  - 7.2 Sufficient steps are taken to ensure that the drainage system at the House is kept free of obstructions.

### **Condition 8 - External Areas**

8. The Licence Holder must ensure that:

- 8.1 Any garden, forecourt, yard, or passageway within the curtilage of the House is kept in a reasonably clean and tidy condition.
- 8.2 If a tenant, or a member of their household, or their visitor causes a breach of condition 8.1 above, steps are immediately taken to address the matter including a written warning being given to the tenant within 14 days of it coming to the attention of the Licence Holder.
- 8.3 A copy of any written warnings that have been given to a tenant is provided to the Authority within 7 days of a request being made to see the same.

## **Part III TENANCY MANAGEMENT**

### **Condition 9 - Tenancy Agreements**

9. The Licence Holder must ensure that:
  - 9.1 At the start of each tenancy, or licenced period of occupation, the tenant is provided with a written agreement which clearly sets out the terms upon which the tenant is permitted to occupy the House.

### **Condition 10 - Terms of Occupation**

10. The Licence Holder must ensure that:
  - 10.1 Occupancy levels at the House do not exceed those set by the Licence.
  - 10.2 If occupancy levels exceed those permitted by the Licence then, upon becoming aware of this, all reasonable lawful steps are taken to ensure that the number of occupiers is reduced to the permitted level as soon as is reasonably practicable.
  - 10.3 The occupiers of the house are supplied with a written statement of the terms on which they occupy it.

### **Condition 11 - Tenants' Rights**

11. The Licence Holder must ensure that each tenant's legal rights are observed, which includes but is not limited to:
  - 11.1 Giving reasonable notice to complete emergency repairs, 7 days' notice in the case of non-emergency repairs and 24 hours notice prior to inspections of the premises which are occupied by the tenant
  - 11.2 Terminating a tenancy or licensed period of occupation in a lawful manner.

### **Condition 12 - Licence Holder/Manager Details**

12. The Licence Holder must ensure that:
  - 12.1 An information pack is given to all new tenants providing the name, address, telephone number and email address, together with the emergency contact telephone number of the person managing the property at the start of the tenancy.
  - 12.2 If any of the above details change, the notice is amended from time to time so that the correct up to date information is given.

### **Condition 13 - Complaints Procedure**

13. The Licence Holder must ensure that:
  - 13.1 They have a written complaints procedure concerning the management and conditions of the property, a copy of which is given to the tenant at the start of their tenancy.

## Condition 14 - Anti-social Behaviour and Damage

14. The Licence Holder must ensure that:
  - 14.1 The terms of any tenancy or licence agreement include provisions concerning anti-social behaviour.
  - 14.2 All reasonable and practicable steps are taken both to prevent (which may include periodic inspections) and deal with any acts of anti-social behaviour occurring at the property, which shall include investigating any complaints made about such conduct and liaising with the Authority and/or the Police.
  - 14.3 If acts of anti-social behaviour occur at the property in breach of the terms of the tenancy or licence agreement, they take appropriate steps to address this which may, in the case of serious or repeated anti-social behaviour, mean commencing possession proceedings.
  - 14.4 Records are kept of what action is taken which are provided to the Authority within 7 days of a request to see them.

## Condition 15 – References

15. The Licence Holder must ensure that:
  - 15.1 References are obtained for new occupiers before entering into any occupancy agreement with them or allowing them to occupy the premises. Where obtained, copies of these references shall be kept for the duration of this licence and made available to the Council within seven (7) days of the Council's demand.

## **Part IV FIRE SAEFTY**

### **Condition 16 - Smoke Alarms**

16. The Licence Holder must ensure that:
  - 16.1 There must be at least one smoke alarm installed on each storey of the property on which there is a room used wholly or partly as living accommodation. For these purposes a bathroom or lavatory is a room used as living accommodation.
  - 16.2 Each smoke or heat detector and alarm system is periodically inspected so as to ensure that they are maintained in proper working order.
  - 16.3 Within 14 days of receipt of a demand by the Authority to see copies of any inspection or maintenance certificates, or confirmation of the location and positioning of the smoke or heat detectors and alarm system, such are provided within 14 days of the demand.

### **Condition 17 - Carbon Monoxide Alarm**

17. The Licence Holder must ensure that:
  - 17.1 A carbon monoxide alarm is installed in any room in the property which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance.
  - 17.2 Such an alarm is kept in proper working order; and that the authority is supplied with, on demand, a declaration by them as to the condition and positioning of any such alarm.
  - 17.3 Adequate checks are carried out before each tenancy commences so as to ensure that each combustion appliance is in proper working order on the day the tenancy begins.

### **Condition 18 - Fire Blankets**

18. The Licence Holder must ensure that:
  - 18.1 The kitchen at the property is provided with a fire blanket which conforms to the current British Standards the blanket should be mounted on the wall by the room exit, approximately 1.5m high.

### **Condition 19 - Fire Safety Compliance**

19. The Licence Holder must ensure that:
  - 19.1 The House complies with the current version of the Local Authorities Coordinators of Regulatory Services ("LACORS") Fire Safety Guidance or demonstrates to the satisfaction of the Authority that a reasonable and suitable alternative is in place.
  - 19.2 No deviation from the LACORS' Fire Safety Guidance which lowers the protection afforded at the House takes place before the Authority have agreed that such proposed deviation provides a reasonable and suitable alternative.

## Condition 20 - Fire Risk Assessment

20. The Licence Holder must:
  - 20.1 Arrange for a fire risk assessment to be carried out at the House, and that all known risks and hazards noted by such assessment are, in so far as is reasonably practicable, documented, and minimised.

## Part V GENERAL

### Condition 21 - Changes and Alterations

21. The Licence Holder must ensure that:

21.1 In respect of any change to the:

- Licence Holder's residential address or contact details, or where the Licence Holder is a business, if the business address has changed
- Freehold or leasehold ownership;
- Management arrangements at the HMO;
- Licence Holder or manager's circumstances which may impact upon their status as a fit and proper person – including but not limited to: cautions, criminal conviction for an offence concerning either dishonesty, fraud, violence, misuse of drugs, discrimination, or housing regulations,

such change is reported in writing to the Authority within 21 days of it occurring (or any such lesser period that is specified in any relevant regulation).

### Condition 22 – Management

22. The Licence Holder must ensure that:

22.1 They comply with all the requirements of the Housing Act 2004 and all other secondary legislation which concerns the regulation and management of Houses subject to Part 3 licensing.

### Condition 23 - Training (Appendix 2)

23. The Licence Holder must ensure that:

23.1 Where the licence holder has not attended relevant training in the previous three (3) years, they must as a minimum attend suitable training on the law and legal requirements relating to managing privately rented housing including HMOs within 12 months of the date the licence is granted. See Appendix 2 for Training Providers.



## Definitions

In these proposed Licence conditions, the following words are defined below:

“Authority” refers to Charnwood Borough Council acting in its capacity as a local housing authority.

“Additional Licensing designation” means the designation of the borough of Charnwood as the area in respect of which all HMOs are required to be licensed under Part 2 of the Housing Act 2004.

“BS” means British Standard.

“Discretionary Conditions” means licence conditions imposed by the Authority under sections 67 and 68 of the Housing Act 2004.

“Electrical Installations” has the meaning given to those words in regulation 2(1) of the Building Regulations 2010.

“HMO” refers to the building (or part of it), or such part of it, as is licensed under Part 2 of the Housing Act 2004.

“House” refers to any HMO.

“Licence” means the licence granted by the Authority under Part 2 of the Housing Act 2004 pursuant to an application made by the proposed Licence Holder.

“Licence Holder” refers to:

- (i) the person to whom the Authority has granted the Licence, and
- (ii) from the date of his or her consent, any other person who agrees to comply with the Licence conditions, restriction and obligations that follow.

“Mandatory Conditions” means the licence conditions specified in Schedule 4 of Housing Act 2004 which must be imposed upon a Licence granted under Part II.

“Tenant” includes a licensee or any other occupier of the HMO.

## Condition 23 - Training

The training requirement in Condition 23 is a minimum requirement and depending on the level of responsibility and complexity of properties involved the Licence Holder should consider undertaking further relevant training in line with the extent of their liabilities.

This requirement for Condition 23 can be satisfied by the completion of a one-day training course or online equivalent covering the law and legal requirements relating to managing privately rented houses.

Once completed, submit a certificate or other confirmation to the Council following this training.

The following are recognised as providing a suitable course to satisfy this condition.

DASH Services Landlord Development Course [www.dashservices.org.uk](http://www.dashservices.org.uk)  
linda.cobb@derby.gov.uk 01332 641111

East Midlands Property Owners (EMPO) Basic Law for Lettings  
[www.empo.co.uk/trainingcourses.html](http://www.empo.co.uk/trainingcourses.html) [www.empo.co.uk/contact-us.html](http://www.empo.co.uk/contact-us.html), telephone\_0115  
9502639

National Landlords Association (NLA) Foundation Course [www.landlords.org.uk/foundation](http://www.landlords.org.uk/foundation)  
[www.landlords.org.uk/contact-nla](http://www.landlords.org.uk/contact-nla), telephone 020 7840 8920

Residential Landlords Association (RLA) Landlords Principles of Letting or Agents Principles of Lettings (e-Learning also available)  
[www.rla.org.uk/landlord/courses/landlord\\_training\\_courses.shtml](http://www.rla.org.uk/landlord/courses/landlord_training_courses.shtml) [info@rla.org.uk](mailto:info@rla.org.uk)

### **Failure to comply with any licence conditions is an offence**

#### **Prosecution/Enforcement Action**

It is the Licence Holder's responsibility to ensure compliance with the requirements of all the Licence conditions set out in this document. Failure to do so may result in prosecution for breach of Licence conditions; service of a civil penalty of up to £30,000 in respect each Licence condition breach; and/or the revocation of the Licence.

The Licence Holder, as the person to whom this Licence has been granted, is responsible for ensuring compliance with its conditions at all times, and that any person acting on their behalf in the management of the house is made aware of, and complies with, the obligations and responsibilities set out in this document.

#### **Limitations of the Licence Transfer**

This Licence is personal to the Licence Holder and cannot be transferred to another person, organisation or property.

#### **Registered Companies**

If the Licence Holder is a registered company and it is dissolved while the licence is in force, the licence ceases to be in force on the date of dissolution.

#### **Property Condition**

This property licence is not proof or evidence that the house is safe and free from hazards and defects. The property licence does not prevent criminal or civil legal action being taken against the Licence Holder, or anyone else with an interest in the property, if any hazards or nuisances are found or any other problems discovered in relation to the condition of the property.

#### **Building Control**

This property licence does not grant any Building Control (Development Control) approvals, consent, or permissions, retrospectively or otherwise. This property licence does not offer any protection or excuse against any enforcement action taken by the Building Control (Development Control) Department.

#### **Planning Permission**

This property licence does not grant, any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise. You should check the Council's website to ensure the correct planning permissions are in place. This property licence does not offer any protection or excuse against any enforcement action taken by the Planning Services.

Variation

No changes may be made to the use, layout, or maximum occupancy level of the property without the Council's prior written consent. Where the Licence Holder or a relevant person applies to vary a licence they should do so at the earliest opportunity. The original licence stays in force until the variation is determined and comes into effect a person making unauthorised changes may be liable to prosecution or other forms of enforcement action.

### **Leasehold Agreements**

It is your responsibility to check the terms of any lease that you hold to ensure that operating the property as a House in Multiple Occupation does not breach the terms of your lease.

## Guidance Information

These do not form part of the licence conditions, but you may still be under an obligation to comply with them.

### Consumer Rights and Unfair Practices

The Office of Fair Trading's (OFT) guidance on unfair contracts when conducting their business, drawing up tenancies, contracts, or the service of notices on tenants and/or agents. The Licence Holder must act in good faith and must not conduct actions which would be considered a misleading action or omission. Full information should be supplied to any prospective tenant including details of this licence.

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