

**WARWICK DISTRICT COUNCIL
HOUSING ACT 2004
HMO LICENCE**

SCHEDULE 1

KEY	Black text – Original HMO licence conditions
	Red Text – Proposed revised HMO licence conditions sent out for consultation
	Blue Text – Additions following consultation comments

This schedule of licence conditions relates to a licence at

Note: The terms 'licence holder' 'manager' and 'managing agent' are used throughout this schedule. The use of each of these terms in any condition does not imply that none of the others also have legal liability for compliance.

1. Licence Holder and Manager Notifications

- 1.1 The licence holder, and where appropriate the nominated managing agent/s, must inform Warwick District Council, ('the Council') within 21 days, of any relevant changes in their circumstances including:-
- (a) Changes of address of the licence holder and/or managing agent.
 - (b) Change of ownership, and or, managing agent of the licensed property.
 - (c) **Change of mortgagee**
 - (d) Any substantial changes **to the structure or layout of the property**
- 1.2 The licence holder/manager must inform the Council by telephone **or email to PrivateSectorHousing@warwickdc.gov.uk** within **24** hours of them becoming aware of the occurrence of a fire within the HMO, **or on the next business day. A 'fire' includes any unintended source of ignition inside an HMO, whether or not it involves calling the Fire Service.**
- 1.3 The licence holder must, on request, provide a written statement to the Council setting out the names of persons occupying the property together with the rooms which they occupy, within 7 days of the Council's request.
- 1.4 The licence holder must provide copies of up to date certification* **on request** for the gas and mains wiring installation, portable electrical appliances, fire alarm system, emergency lighting, fire extinguishers/blankets, if installed. All of which must have been obtained within the last 12 months, with the exception of the electrical installation which must be within the last 5 years.

** Such certification will only be accepted if it has been issued by a competent person, who can demonstrate their competence through*

qualification or otherwise. Self-certification of alarm systems which do not have a control panel may be acceptable.

Note: If you hold and/or process your tenants' personal data you must be registered with the Information Commissioner's Office (ICO) and pay the relevant fee under current data protection laws.

2. Fit and Proper Person

2.1 The licence holder/manager must inform the Council, within 21 days for any of the following:-

- a) Conviction for offences involving Fraud, Dishonesty, Violence, Drugs, Sexual Offences Act (Schedule 3)
- b) Conviction for unlawful discrimination on grounds of age, sex, race, disability, religion, marriage and civil partnerships, gender reassignment, sexual orientation and pregnancy and maternity in connection with a business.
- c) Conviction for a prosecution taken by any Local Authority under any housing or landlord and tenant legislation
- d) Cases where any Local Authority has carried out works in default
- e) Cases where a Management Order under Housing Act 2004 has been made by any Local Authority
- f) Cases where an HMO licence has been refused by any Local Authority, or licence conditions breached.
- g) Cases where a Fixed Penalty Final Notice has been issued by any Local Authority under Housing & Planning Act 2016

NOTE: The Database of Rogue Landlord & Property Agents under Housing & Planning Act 2016 will be checked before an HMO licence is issued.

3. Property Details

WC's

3.1 The following shared toilet provision is required:-

1-4 persons	1WC (permitted within a bathroom)
5 persons	1 WC (separate from the bathroom)
6-10 persons	2 WC's (permitted within bathrooms)
11-15 persons	3 WC's (permitted within bathrooms)
16-20 persons	4 WC's (permitted within bathrooms)
21-25persons	5 WC's (permitted within bathrooms)
26-30 persons	6 WC's (permitted within bathrooms)

3.2 Each WC compartment must:-

- (a) have adequate ventilation and artificial lighting,

(b) be provided with a wash hand basin (with hot and cold water supplies), and adequate drainage and **have sufficient splashback tiling or otherwise impervious finish.**

(c) have a smooth impervious floor covering, and be of adequate size/layout, with facilities fit for the purpose

Note: Persons having access to en-suite facilities will not be counted for the purposes of these ratios. Also a WC must not be more than two floors distant from any occupier. Outside toilets are disregarded for the purposes of this standard.

Bathrooms

3.3 **The following shared bathroom provision is required:-**

1-5 persons	1 bath/shower room
6-10 persons	2 bath/shower rooms
11-15 persons	3 bath/shower rooms
16-20 persons	4 bath/shower rooms
21-25 persons	5 bath/shower rooms
26-30 persons	6 bath/shower rooms

Note: Persons with en-suite facilities will be disregarded for the purpose of this ratio.

3.4 A bath/shower (with hot/cold water and waste drainage) must be provided in a suitable room, not more than two floors distant from any occupier. A bath or shower room may contain a WC where there are 5 persons sharing, provided there is also a separate WC.

3.5 Each bath or shower room must:-

- (a) have adequate ventilation, electric lighting and fixed heating.
- (b) have a smooth impervious floor covering
- (c) have sufficient splash back tiling **or otherwise impervious finish** to each bath or shower area.
- (d) be of an adequate size/layout with facilities fit for the purpose.
- (e) **have suitable shower screen/curtain if shower fitted over bath**

3.6 **Shower units to be fitted with thermostatic temperature controls to prevent scalding.**

Wash Hand Basins

3.7 **The following provision is required: 1 communal wash hand basin per 5 persons, [DELETE taking into account] excluding any basins fitted in bedrooms. Each basin to be provided with suitable supplies of hot and cold water, and have sufficient splashback tiling or otherwise impervious finish.**

Kitchens

3.8 Where kitchen facilities are provided within bedrooms, or bedsitting rooms they must have the following:-

- a suitable size sink and draining board with constant supplies of hot and cold water, a fixed impervious worktop, measuring not less than 1.0m x 0.6m, with tiled **or otherwise impervious** splash back.
- a dry food storage cupboard of 0.18 cubic metres (6.4 cubic feet) wall/base unit (sink units are discounted)
- storage cupboard for crockery and a drawer/container for utensils
- a refrigerator (minimum gross capacity 66 litres or 2.3 cubic feet)
- a 2 ring cooker with oven and grill
- a minimum of two 13 amp twin electric sockets in the food preparation area adjacent to the worktop.
- adequate space, layout, ventilation, artificial lighting, and a suitable impervious floor covering. All facilities must be fit for the purpose.
- **A fire blanket**

3.9 Where kitchens are shared they should not be more than one floor distant from any user (unless a dining area is provided), and have the following facilities (for every 6 persons):-

- a suitable size sink and draining board with constant supplies of hot and cold **[DELETE(drinking)]** water with tiled or other impervious splash back. (Where there are 7 persons sharing, a dishwasher may be installed in lieu of an additional sink/drainer).
- a fixed impervious worktop, not less than 1.5m x 0.6m with tiled or other impervious splash back.
- dry food storage cupboards of 0.18 cubic metres (6.4 cubic feet) per person wall/base unit or larder (sink units are discounted)
- refrigerator (minimum gross capacity 150 litres or 5.3 cubic feet)
- freezer (minimum gross capacity 120 litres or 4.2 cubic feet)
- 4 ring cooker with oven and grill. If there are just 7 people sharing, an additional 2 ring cooker, (with grill/oven) may be provided in lieu of an additional 4 ring cooker.
- a minimum of four 13 amp electric sockets in the food preparation area adjacent to the worktop, in addition to those provided for major appliances (fridge, microwave, washing machine etc.)
- a fire blanket
- **adequate space, layout, ventilation, artificial lighting, and a suitable impervious floor covering. All facilities must be fit for the purpose.**

Heating, Lighting and Ventilation

3.10 **[DELETE]**The heating system may be centrally controlled but have individual thermostatic controls to ensure occupiers are not exposed to cold indoor temperatures within their sitting room/bedrooms].

There must be an effective fixed heating system. It must be safely installed, maintained and be appropriate to the design, layout and construction, such that the whole of the HMO can be adequately and

efficiently heated. The occupiers of the HMO must have full access and control over the heating system to ensure they are able to maintain adequate heating as appropriate.

- 3.11 Written instructions should be made available to occupiers to ensure they are acquainted with the safe operation of any **appliances e.g. boilers, immersion heaters, thermostats, cookers, wash machines, tumble driers**
- 3.12 All **habitable (bedrooms, living & dining rooms)** rooms:-
(a) must be equipped with adequate means of fixed space heating.
(b) must be provided with adequate natural/artificial lighting. (this should be **unobstructed** window(s) having a glazed area of not less than 10% of the room's floor area and suitable electric light point(s)).
(c) must be provided with adequate natural ventilation. Generally, this should be window(s) having a **combined** opening area of not less than 5% of the room's floor area.
- 3.13 Halls, stairs, landings, **accessible cellars** and external steps **and walkways** must be provided with adequate artificial lighting.

Thermal Insulation

- 3.14 Loft spaces must be insulated with a minimum 250mm of insulating material. All water tanks and pipework liable to freezing must be suitably lagged.
- 3.15 All hot water cylinders must be suitably lagged with an appropriate insulating jacket or factory fitted insulating material.
- 3.16 All external doors and windows **must** be suitably draught proofed.
- 3.17 **Shared house HMOs (not let under separate contracts) to meet Energy Performance Certificate minimum rating of 'E', unless otherwise exempted and registered under Minimum Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015**

4. Management of the Property

Note: When conditions for remedial actions are set, whether that be when a licence is granted, renewed, or as a consequence of an interim inspection, a maximum time limit for compliance will be set and confirmation of completion will be required.

Note: Serious Category 1 Health and Safety breaches, persistent breaches of other licence conditions, and failure to take remedial action within agreed timescales, may result in enforcement action and financial penalties up to a maximum of £30,000 under the Housing & Planning Act 2016.

Fire Precautions

- 4.1 Fire alarm systems, including smoke/heat alarms, must be installed and be maintained in good order, and checked at intervals of not more than 12 months by a suitably qualified electrician in accordance with BS5839-1:2017, BS5839-6:2013 and LACORS guidance. The licence holder must supply to the Council, on demand, a declaration as to the condition and positioning of such alarms. Grade D type fire alarms (without control panels) can be checked and certified by the licence holder/manager. Licence holders will be responsible for undertaking their own checks at regular intervals.
- 4.2 All means of escape must be maintained in good order, and kept free from obstruction. This includes staircases, passageways, corridors, halls, lobbies, entrances, paths and yards (internal and external).
- 4.3 The integrity of all floors, walls, ceilings and doors must be maintained to give the necessary fire resistance required, in accordance with LACORS guidance
- 4.4 Fire resisting doors must be maintained, in accordance with LACORS guidance, with three 100mm steel hinges, and where appropriate smoke/heat activated seals and self-closing devices.
- 4.5 Emergency lighting (if applicable) must be maintained in good order and checked at intervals of not more than 12 months by a suitably qualified electrician in accordance with BS5266-1:2016 and LACORS guidance. Licence holders will be responsible for undertaking their own checks at regular intervals .
- 4.6 All fire-fighting equipment must be maintained in good order and checked at intervals of not more than 12 months by a suitably qualified service engineer in accordance with BS5306-3:2017. Licence holders will be responsible for undertaking their own checks at regular intervals.
- 4.7 All letting rooms or kitchens that contain cooking facilities must be provided with a suitable fire blanket which complies with BS 6575. The blanket(s) to be provided in a wall-mounted quick release container, which should be positioned at [DELETEeye level] approximately 1.5m from floor level in an unobstructed location remote from any cooker.
- 4.8 Bedroom doors and other doors on means of escape routes which have locks must be thumb turn locks which do not require the use of a key from within.
- 4.9 The licence holder/manager must bring to the attention of residents at the beginning of their occupation, information regarding any fire precautions installed in the HMO and instructions for escape in the event of a fire, including instructions for operation and testing of fire alarms, emergency lighting and fire fighting equipment. Instructions for panel systems must

be displayed adjacent to the panel. A log book must be kept for recording faults, repairs and testing of fire alarm and emergency lighting.

- 4.10 The licence holder must keep furniture (supplied by them to the occupier) in a safe and reasonable condition and supply to the Council, on demand, a declaration [DELETE by him] as to the safety of such furniture, to confirm compliance with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.
- 4.11 The licence holder must produce a written fire risk assessment and review at regular intervals. A copy must be made available to the Council on request.

Gas Installation and Appliances

- 4.12 Where gas supply is fitted the licence holder must supply to the Council on demand a copy of a gas safety certificate obtained within the last 12 months and covering each appliance supplied by the landlord. The certificate must be issued by a member of Gas Safe Register who is competent to examine gas appliances. A copy of this certificate must be given to the occupiers and copies of certificates must be retained for 2 years.

Carbon Monoxide Alarms

- 4.13 A Carbon monoxide alarm must be installed in any room used as living accommodation where solid fuel is used, or is capable of being used. Alarms to be wall mounted at head height approximately 1-3m from the solid fuel appliance.
- 4.14 Each Carbon monoxide alarm must be tested on the first day of any new tenancy to ensure they are in full working order.

Electrical Installation and Appliances

- 4.15 The licence holder must supply to the Council on demand, a copy of an Electrical Installation Condition Report (EICR) for the mains wiring installation, carried out by a competent electrician within the last 5 years in accordance with the BS7671:2008 as amended. A copy of this must be made available for the occupiers.
- 4.16 The licence holder must undertake a full visual examination of the electric wiring installation and portable electric appliances at the end of the each occupier's tenancy period. Any defects identified must be suitably remedied by a competent person.
- 4.17 The licence holder must keep all electrical appliances (supplied by him to the occupier) in a safe condition, and supply to the Council on demand, a PAT (portable appliance test) certificate issued by a competent person in accordance with the current IET Code of Practice. A copy to be made available for the occupiers. Frequency of testing must be in accordance

with IET Code of Practice. The licence holder must retain receipts for appliances which are purchased as new and supply copies on request to the Council.

- 4.18 Portable electrical appliances left by previous occupiers will assume responsibility of the licence holder, and must be permanently removed or PAT tested.

Supply of Services

- 4.19 The licence holder must not unreasonably cause or permit the supply of gas, electricity, water, that is used by any occupier to be interrupted.

Security

- 4.20 The licence holder must ensure that external doors, ground floor/basement and other easily accessible windows are fitted with suitable security locks. Doors forming the final exit from a means of escape route must be fitted with locks that can be opened internally without the use of a key. Windows requiring restrictors due to low sill hazards, must be capable of being over-ridden, if specifically required as a means of escape. Occupiers must be provided with sufficient keys to operate all window locks.

Anti-Social Behaviour (ASB)

- 4.21 A written statement of the terms and conditions of the tenancy/licence agreement must be provided to all occupiers at the start of their occupation. The tenancy agreement/licence must include a clause about not causing nuisance and anti-social behaviour and include provisions for bringing the tenancy/licence to an end for anti-social behaviour, through the proper legal process.
- 4.22 Copies of tenancy/licence agreements must be made available to the Council, within seven days of the request.
- 4.23 On request, the licence holder/manager must demonstrate to the satisfaction of the Council that they have properly managed the property and have taken all reasonable and practicable steps when dealing with complaints of anti-social behaviour made against the occupants. Examples of action which should be taken by the licence holder include the issuing warnings, both verbal and in writing and in the event that anti-social behaviour persists, the licence holder/manager must be prepared to take appropriate legal action to regain vacant possession as soon as possible.

Note: Anti-Social Behaviour, includes noise nuisance including noise caused by the playing of loud music at any time of the day but particularly between 11.00pm and 8.00a.m. Anti-social behaviour also includes, but is not limited to, violence and criminal behaviour, domestic abuse, the supply and use of controlled drugs and intimidation or racial harassment. (A racist incident is any incident which is perceived to be racist by the victim or any other person).

Repair and Maintenance etc.

Common Parts, Fixtures, Fittings and Appliances

- 4.24 The licence holder/manager must ensure that all common parts of the HMO are-
- a) maintained in good and clean repair (including where appropriate decorative repair).
 - b) maintained in a safe working condition, and
 - c) kept clear from obstruction

In particular:-

- i) all handrails and banisters to be kept in good repair, additional handrails or banisters required for the safety of the occupiers must be provided. Stair coverings must be securely fixed and in good repair
 - ii) all windows and other means of ventilation within the common parts must be kept in good repair
 - iii) common parts must have adequate light fittings, and be maintained including replacing bulbs
 - iv) fixtures, fittings and appliances (including all sanitary ware and installations for cooking/storing food) which is in common use by 2 or more households must be maintained in good, safe repair and in clean working order (other than those which the tenant is entitled to remove/outside the control of the manager).
 - v) outbuildings, yards and forecourts must be in a clean safe condition and ~~the~~ all gardens must be kept tidy.
 - vi) boundary walls, fences, gates and railings must be maintained in a safe condition so as not to constitute a hazard to occupiers or visitors.
- 4.25 The property together with any associated external space and outbuildings must be regularly inspected by the licence holder/manager and any necessary works to frontage and external décor must be carried out within a reasonable timescale, having due regard to the severity of each defect.

Living Accommodation

- 4.26 The licence holder/manager must ensure that the living accommodation and furniture supplied to the occupier are in a clean condition at the beginning of a person's occupation.
- 4.27 The licence holder/manager must ensure that the internal structure, windows, other means of ventilation, fixtures, fittings, also appliances supplied to the occupier, are maintained in good repair and in clean working order. **It is acknowledged that** the occupier/s must act in a tenant-like manner and treat the property in accordance with the signed tenancy agreement/licence.

Water Supply and Drainage

4.28 The water supply and drainage system must be maintained in good order. Any tank, cistern, or similar receptacle for water storage must be kept in a good, clean working condition. The water supply must be potable, of sufficient pressure, and suitably protected from contamination. Water fittings and pipes liable to frost damage must be suitably protected.

Overcrowding and Privacy

4.29 Bedrooms, sitting rooms, and bed sitting rooms must be of an adequate floor area for the number of occupants in accordance with the following:-

Single bedroom (child under 10*)	4.64 m ² **
Single bedroom (child 10+/adult)	6.51m ²
Single bedroom with cooking facilities	10 m ²
Single bed sitting room	10 m ²
Single bed sitting room with cooking facilities	13 m ²
Double bedroom	11 m ² *
Double bedroom with cooking facilities	15 m ²
Double bed sitting room	15 m ²
Double bed sitting room with cooking facilities	20 m ²

Note 1: Where the ceiling height is less than 1.52m (5ft) e.g. in a converted attic room, the floor area with headroom less than 1.52m will be disregarded.

Note 2: Children under 12 months are discounted for the purposes of the space standards set out above.

Note 3: Communal sitting rooms will be expected to be minimum of floor area 1.9 sq.m.(20.5 sq.ft) per person. There is no requirement for a separate dining area, however if the communal room is a combined kitchen/sitting kitchen/dining room, consideration will be given to the proportion of practicable useable space. No communal room must be accessed through a bedroom.

*Note 4: Where there is judged to be inadequate communal space for sitting/dining purposes, sleeping rooms will be regarded as **bedsitting rooms** and the appropriate space standards will be applied.*

*Note 5: **Only when let together with a sleeping room of at least 6.51 m².*

Note 6: Measurements will include all floor space including floor to ceiling fitted wardrobes/walk in cupboards and bays but will exclude chimney breasts.

*Note 7: *National minimum 10.22sq. m. WDC adopted standard is 11 sq. m.*

This licence specifies an occupancy limit for each sleeping room in addition to a maximum occupancy for the HMO as a whole. **It is an offence to exceed permitted bedroom occupancy levels and an offence to exceed maximum permitted occupancy as a whole for the HMO.**

- 4.30 No persons over the age of ten (10) years, and of opposite sexes, must be allowed share the same room, unless they are living as husband and wife, partners, or co-habiting.
- 4.31 The occupancy levels must not exceed the maximum stated in the licence, but it can be varied, with written approval (service of variation order) by the Council. The licence holder **must** apply before increasing the number of occupiers. Planning permission may also be required.
- 4.32 Reasonable sound and fire insulation must be afforded between bedrooms, also bedrooms and living rooms. Glazing and doors providing secondary access must be suitably insulated or replaced with fixed plastered studwork where appropriate.

Waste Storage & Disposal

- 4.33 The licence holder is responsible for providing a suitable location for the provision of refuse containers for the HMO.
- 4.34 The licence holder must provide suitable and sufficient waste containers for the storage of domestic waste and recyclable materials in accordance with the Council’s requirements.
- 4.35 The scale of provision of containers will be in accordance with the following table, and it will be the licence holders duty to ensure containers are provided and maintained at their expense throughout the term of the licence, irrespective of any reasonable loss or damage which may arise.

No. of occupants	Refuse Capacity Required	No. of refuse containers required	Recycling Containers Required
1-3	180l	1 x 180l grey bin	1 x box and 1 x bag
4-5	240l	1 x 240l grey bin	2x boxes and 2 x bags
6-8	360l	2 x 180l grey bins	3 x boxes and 3 x bags
9-10	480l	2 x 240l grey bins	4 x boxes and 4 x bags
11+	Contact Contract Services to discuss	Contact Contract Services to discuss	Contact Contract Services to discuss

- 4.36 Where the HMO is on a weekly **[DELETErubbish]** refuse sack collection, it will be the HMO occupiers’ responsibility to purchase sacks. Where external space permits, the licence holder must provide a suitable bin store in which to store sacks pending collection. Bin stores to be of

sufficient capacity, capable of being readily cleaned and provided with close fitting lids.

- 4.37 ~~[The licence holder shall]~~ Where the HMO is on a green wheeled bin service the licence holder must provide and maintain 1 x 240 litre green bin per HMO for garden and food waste, or such additional green bins as required by the Council.
- 4.38 Information setting out the arrangements for the storage and collection of waste and recycling must be clearly displayed in a conspicuous position within the property. This must include information regarding designated 'collection days'.
- 4.39 The licence holder must ensure that refuse and litter must not be allowed to accumulate within the HMO except where properly stored pending disposal.
- 4.40 In HMO's where no external provision for storage of refuse is made, the license holder must ensure that satisfactory internal storage is provided, which does not compromise the 'means of escape' in the event of a fire.
- 4.41 The licence holder must make such further arrangements for the final disposal of refuse and litter from the HMO as may be necessary, either in default of previous/existing occupants, having regard to any service for such disposal provided by the Council.

Information for Occupiers

- 4.42 The licence holder/manager must ensure that their contact details, i.e.:- name, address, telephone number is conspicuously displayed in a common part, such as the hallway. The HMO licence must also be displayed in the hall **or other communal area**.
- 4.43 The licence holder must ensure that occupiers are given clear advice on what to do in the event of an emergency **e.g. fire**, and have access to contact details.
- 4.44 ~~[The licence holder must supply to the occupiers a tenancy agreement/licence upon commencement of occupation. A copy of such a statement must be available on request by the Council.] This condition is repeated in 4.22~~
- 4.45 The licence holder must maintain comprehensive buildings insurance and property owners' liability insurance in accordance with any approved standards. They should also advise the tenants of their responsibility to insure their own possessions.
- 4.46 The licence holder must provide occupiers with a copy of any instruction manuals necessary to enable them to operate central heating boilers, cookers and gas fires.

- 4.47 Except in an emergency, the licence holder/manager must give the occupiers 24 hours written notice of their intention to enter the property. They may be required to demonstrate that they have reasonable cause to do so.
- 4.48 In HMOs where the rooms are let on individual tenancy agreements, landlords may access the common parts of the HMO (but not any living areas within the HMO's including lounge, dining room, kitchen and bathroom) for legitimate purposes without giving notice to the tenants,

Note: Even for communal non living areas it is good practice to still give 24 hours notice, unless it is an emergency.

Training Courses

- 4.49 The licence holder/manager should, if so required by the Council, attend appropriate training course or demonstrate competence in relation to any applicable Code of Practice under Section 233 Housing Act 2004.