Housing Act 2004
(section 67)
HMO 64A
HMO Mandatory Conditions

1. The Licence holder must supply to the occupiers of the house a written statement of the terms on which they occupy it.

2. At the time of the application the Licence holder must provide to the Licensing Authority, if gas is supplied to the property, a Gas Safety Certificate, in respect of all gas appliances at the house, obtained within the last twelve months, and thereafter on an annual basis.

3. The Licence holder must ensure that all electrical appliances in the house supplied by them are maintained in a safe condition.

4. The Licence Holder must ensure that furniture supplied by them in the house is compliant with the Furniture and Furnishings (Fire Safety Regulations 1988) as amended in 1989 and 1993.

5. The Licence holder must ensure that an automatic Fire Detection System is installed in the house in accordance with the appropriate section of current British Standard BS5839, according to the type of accommodation provided.

6. The Licence holder must provide to the Licensing Authority a commissioning certificate, issued by a suitably competent person, stating that the automatic fire detection system is designed and installed in the house so as to comply with appropriate British Standards.

7. The Licence holder must ensure that all automatic fire detection equipment installed in the house is at least annually serviced by a competent person, and is adequately maintained.

Notes

- Any reference to “The Act” contained within these conditions refers to the Housing Act 2004.
- Section 67 of The Act provides for the attaching of conditions as the Local Housing Authority considers appropriate for regulating all or any of the following:
  (a) the management, use and occupation of the house concerned, and
  (b) its condition and contents

- A licence MUST include certain conditions specified in Schedule of The Act.
- The Licensing Authority will be Rochdale Council.
- In applying good standards of management the licence holder must comply with: The Management of HMO’s (England) Regulations 2006; any Code of Practice approved by the Secretary of State for this purpose AND generally accepted good residential management practice.
Other Conditions

1. The licence holder must provide each occupier of the house with a written statement of the conditions of the terms on which they occupy the house. The licence holder shall provide a copy of the said terms to the authority on demand.

2. The licence holder will inform the authority of any changes to the positioning or type of smoke alarm fitted in the property.

3. The licence holder must produce to the authority annually for their inspection, a fire detection and alarm system certificate (in accordance with BS5839) obtained in respect of the house within the last 12 months.

4. 
   i) The licence holder must produce to the authority a periodic electrical survey inspection report for the whole of the electrical installations within the house in accordance with current IEE wiring regulations. Such a report should be provided by a suitably trained, experienced and competent person i.e. a NICEIC or ECA member. This must be supplied to the landlord licensing team within the first 12 months of the licence period.
   
   ii) The licence holder must ensure, throughout the period of the licence, that the premises are covered by a valid periodic electrical survey inspection report. Where a report expires during the term of the licence, an up-to-date report must be provided to the landlord licensing team within 28 days of the expiry date.
   
   iii) Should any remedial works be recommended on the periodic electrical survey report, the Licence holder must ensure that such works are completed no later than 12 months following the date of the report and must inform the licensing team upon completion of such works.

5. If accommodation within the house is provided on a furnished basis and includes electrical appliances, the licence holder must produce to the authority for their inspection a portable appliance test (PAT) certificate within the first 12 months of the licence period.

6. The licence holder must allow officers of the authority upon production by such officers of identification access to the house for the purpose of carrying out inspections of the house at all reasonable times.

7. The licence holder must provide adequate facilities for the storage and disposal of refuse and must outline to the tenants in writing their responsibilities in this respect.

8. The licence holder will ensure that any furniture supplied at the start of a tenancy or licence is in safe and good condition and maintained or replaced as far as it is the licence holder’s responsibility throughout the tenancy (under the terms and conditions of the licence or tenancy).

9. Where the property is let as furnished, the licence holder will ensure that there is either adequate and relevant insurance cover, or the appropriate means to replace furniture provided as part of that tenancy or licence, should it be damaged or stolen by persons other than the lawful occupier or occupiers of the unit of accommodation.

10. The licence holder must ensure that the house is compliant with Rochdale Borough Council’s approved standards for Houses in Multiple Occupation, which are attached.
14. Where any works are to be carried to the house, the licence holder must ensure the appropriate consent from building control at Rochdale Borough Council is obtained prior to works commencing.

Management of the Licensed Property

15. The licence holder must provide the occupiers of the house and the occupiers of any adjoining properties, with details of the following:

- Name of the licence holder or managing agent,
- A contact address, daytime telephone number
- An emergency contact telephone number.

This information must be supplied within 28 days of receipt of the licence document and should be clearly displayed in a prominent position within the house. An emergency contact telephone number for the licence holder and/or management agency shall also be available and notified to the authority.

16. The licence holder must ensure all repairs to the house or any installations, facilities or equipment within it are to be carried out by competent and reputable persons and that they are completed to a reasonable standard.

17. The licence holder will provide each occupant of the house with copies of user manuals for any installations or equipment provided as part of the agreement for the occupation of the house.

18. The licence holder shall display at all times it is in force a copy of the licence certificate and licence conditions in a prominent position inside the house where all occupiers will be able to view the said documents.

19. The licence holder shall ensure occupants of the house receive written confirmation detailing arrangements in place to deal with repair issues and emergencies should they arise.

20. The licence holder will arrange to undertake a detailed inventory to be agreed with each occupant upon commencement of their occupation of the house and kept on file by the licence holder at their business.

21. The licence holder must ensure all monies in respect of the licence fee are paid to the authority by the terms imposed by the invoice.

22. The Licence holder will not discriminate against prospective occupiers of the house on the grounds of race, disability, gender, religion or sexual orientation.

23. The licence holder must act lawfully and reasonably in requiring any advanced payments from occupiers; in handling rents; in returning deposits; and in making deductions from deposits. The licence holder will provide any occupier/prospective occupier with the following information:

- The amount of rent payable
- The details of any deposit required
- Details of what the deposit covers and arrangements for return
- The frequency of payments
• The details of any utilities or other charges included in the rent
• The responsibility for payment of council tax
• The responsibility for payment of utilities and arranging provision of such

24. The licence holder and/or his manager shall undertake property management training courses where required to do so by the authority.

25. The licence holder and/or his manager are required to make regular visits to the property of no less than once per month to ensure that the property is secure and has not been abandoned.

26. The licence holder and his managing agent must inform the licensing team of the authority within ten working days of any changes in their circumstances as follows:

   a) Details of any unspent\(^1\) convictions not previously disclosed to the local authority, that may be relevant to the licence holder and/or the property manager and their fit and proper person status and in particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003.

   b) Details of any finding by a court or tribunal against the licence holder and/or the manager that he/she has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business

   c) Details of any contravention on the part of the licence holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her

   d) Information about any property the licence holder or manager owns or manages or has owned or managed which has been the subject of:

      i. A control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or

      ii. Any appropriate enforcement action described in section 5(2) of the Act

   e) Information about any property the proposed licence holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the licence holder breaching the conditions of his/her licence

   f) Information about any property the proposed licence holder or manager owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004;

   g) Advertising of the property for sale

   h) Change in managing agent or the instruction of a managing agent

   i) The undertaking of any substantial works to the property including conversions and modernisations

27. The licence holder is required upon request by the local authority during the period of the licence issued, to complete and return to the local authority an energy efficiency assessment questionnaire of the licensed property.

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\(^1\) The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become ‘spent’, or ignored, after a ‘rehabilitation period’. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention the conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.
28. The licence holder must complete and return any correspondence from the Burglary Reduction team, regarding the closure of rear alleyways using gating in the vicinity of the house. Such correspondence must be returned as requested in the correspondence supplied.

29. Where there are alley-gates installed to the rear of the licensed property, the licence holder must:
   
   • Take responsibility for holding a key for any alley-gates which are in place or which are installed OR
   • Provide all new tenants with a copy of the key, at the time of letting and issue them with a copy of the key holding agreement

30. The licence holder must ensure that any persons involved with the management of the house are to the best of their knowledge “fit and proper persons” for the purposes of the act.

31. The licence holder is required to demand references from persons who wish to occupy the house and shall supply evidence of these to the local authority on demand.

32. The licence holder must ensure that the water supply and drainage system serving the house is maintained in good, clean and working order.

33. The licence holder must not unreasonably cause or permit the water supply or drainage system that is used by the occupiers of the house to be interrupted.

34. The licence holder must not unreasonably cause the gas or electricity supply that is used by occupiers of the property to be interrupted.

35. The licence holder must take reasonable steps to protect occupants from injury especially in relation to:
   
   a. Any roof or balcony that is unsafe- ensuring that it is either made safe or access to it restricted
   b. Any windowsill that is at floor level- ensuring that bars or other such safeguards are fitted as necessary to protect occupants from falling

36. The licence holder must ensure that all common parts and fixtures are maintained and in a safe condition including handrails, windows, stair coverings, fixtures, fittings and appliances.

Security

37. Where window locks are fitted, the licence holder will ensure that keys are provided to the relevant occupant.

38. Where a burglar alarm is fitted to the house, the licence holder will inform the occupant in writing as to how the code may be changed and in what circumstances they are allowed to do so.

39. Where previous occupants have not surrendered keys, the licence holder will arrange for a lock change to be undertaken, prior to new occupants moving in.
Antisocial Behaviour

40. The licence holder must take all reasonable and all practicable steps for preventing and dealing effectively with antisocial behaviour. The licence holder and/or his manager are required to undertake an incremental process of investigation of any complaints, which have been made either directly to them, or via the local authority, regarding their occupiers. For the purposes of these conditions, antisocial behaviour is taken to comprise behaviour by the occupants of the house and/or their visitors, which causes a nuisance or annoyance to other occupants of the house, to lawful visitors to the house or to persons residing in or lawfully visiting the locality of the house.

41. The licence holder and/or his manager are required to provide upon request to the local authority information regarding the full names and dates of birth of each occupant.

42. The licence holder will ensure that the occupants of the house are aware of the services available to them and how they can report nuisance and antisocial behaviour to the authority.

43. The licence holder and/or their nominated agent must have the facilities to receive and respond to initial complaints about their occupiers’ behaviour.

Occupation

44. The licence holder must ensure that only bedrooms are to be used to sleep in. No persons shall sleep within any common areas including shared lounges.

45. The number of persons residing at the house shall not exceed the maximum number stated on the licence.

46. The use and level of occupancy of each unit of accommodation shall not be changed without the prior written approval of the authority.

Environmental management/amenity of the neighbourhood

47. The licence holder shall ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.

48. The licence holder must ensure that all outbuildings, yards, forecourts and gardens surrounding the house are maintained, in repair and kept in a clean, tidy and safe condition and free from infestations.

49. The licence holder shall ensure that suitable and adequate provision for refuse storage and collection is made at the house and that the council’s arrangements for refuse collection including recycling are adhered to. This shall include the provision of closable bins of suitable capacity as specified by the council. Arrangements shall be made immediately for the proper collection and disposal of any rubbish additional to that within the bins and such rubbish shall be stored within the curtilage of the property at the rear if feasible. The licence holder shall ensure that all refuse containers are returned within the curtilage of the property on the same day that they are emptied by the council.

End of standard conditions.
Additional conditions

Additional conditions are specific to each property when licensed and will be applied, as required, when a licence is processed.

End of additional conditions.

Last updated: January 2018