

Appendix 3

Proposed Additional Licencing Conditions

Mandatory conditions under Part 2 Housing Act 2004

Condition 1 – Gas

If gas is supplied to the house, the Licence Holder must provide Birmingham City Council a Gas Safety Certificate issued within the previous 12 months at the time of the application and thereafter on demand.

Condition 2 – Electrical Appliances

The Licence Holder must keep electrical appliances made available by them in the house in a safe condition and supply the authority (at the time of the application and on demand thereafter) a declaration by the Licence Holder as to the safety of such appliances.

Condition 3 – Furniture and Furnishings

The Licence Holder must ensure that furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended 1989 and 1993) and must provide a declaration as to their safety at the time of application and thereafter on demand.

Condition 4 - Smoke Alarms

- i) The Licence Holder must ensure that smoke alarms are installed on each storey of the house on which there is a room used wholly or partly as living accommodation. A declaration as to the positioning of such alarms must be provided to Birmingham City Council on demand.
- ii) The Licence Holder must ensure that the smoke alarms are kept in proper working order. A declaration as to the proper working order of the alarms must be supplied to the Council on request.

Condition 5 - Carbon Monoxide Alarms

The Licence Holder must ensure that a carbon monoxide alarm is installed in any room which is used wholly or partly as living accommodation and contains a solid fuel combustion appliance. A declaration as to the positioning of such alarms must be supplied to the Council on demand.

Note: Room includes a hall or landing. A bathroom or lavatory is to be treated as a room used for living accommodation. The Licence Holder must ensure that the carbon monoxide alarms are kept in proper working order. A declaration as to the proper working order of such alarms must be supplied to the Council on demand.

Condition 6 – Bedroom Sizes

The Licence Holder must ensure that:

- The floor area of any room in the House of Multiple Occupation (HMO) which is used as sleeping accommodation by one person over the age of 10 years is not less than 6.51 square metres.
- The floor area of any room in the HMO which is used as sleeping accommodation by two persons over the age of 10 years is not less than 10.22 square metres.

- The floor area of any room in the HMO which is used as sleeping accommodation by one person under the age of 10 years is not less than 4.64 square metres.
- Any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.
- Where any room in the HMO which is used as sleeping accommodation by persons aged over the age of 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the Licence.
- Where any room in the HMO which used as sleeping accommodation by persons aged under the age of 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the Licence.
- Where any room in the HMO which is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the Licence together with the maximum number of persons aged under 10 years as so specified.

Condition 7 - Terms of Occupation

The Licence Holder must supply to the occupiers of the house a written statement of the terms on which they occupy the HMO. This is usually a tenancy or licence agreement. A copy of the terms will be provided to the Council on demand.

Condition 8 – Waste

The Licence Holder must ensure that suitable and adequate provision is made for the storage and disposal of domestic refuse from the house and that the Council's arrangements for storage and waste disposal are adhered to.

Discretionary Conditions

Condition 9 – Bedroom area

Any area of the room in which the ceiling height is less than 1.5m cannot be counted towards the minimum room size. Communal space in other parts of the HMO cannot be used to compensate for rooms smaller than the prescribed minimum.

Condition 10 – Change of Circumstances

The Licence Holder must notify the Council within 14 days of any material change in circumstances that may affect the validity and terms of the licence. This would include:

- i) a change of address
- ii) change of manager, management arrangements, or HMO ownership
- iii) any change in the Licence Holders and, if appropriate, a person on whom restrictions or obligations under the licence are imposed, or any associate's circumstances that may affect their status as a fit and proper person under the Housing Act 2004
- iv) any proposed changes to the house, including its layout.

Condition 11 – Energy Performance Certificate

The HMO must have a valid Energy Performance Certificate (EPC) throughout the duration of the licence and in compliance with the Minimum Energy Efficiency Standard in place at the time. The EPC should be displayed clearly in a common part of the HMO.

Condition 12 – Security

The Licence Holder must:

- i) Carry out a lock change prior to a new tenant taking up occupation when the previous tenant has not returned all keys.
- ii) Ensure that provisions for securing access to the premises are maintained in good working order at all times, and sufficient to prevent reasonable attempts of forced entry.
- iii) Ensure occupiers have access to the necessary keys to access the security provisions, including window locks if fitted.
- iv) Where a burglar alarm is fitted to the HMO, the Tenant(s) is (are) made aware of the code, how the alarm is operated and the circumstances under which the code for the alarm can be changed.
- v) So far as reasonably practicable, any works necessary to protect the security of the HMO are undertaken within 24 hours of notification e.g. damage to windows/entry points to the HMO.

Condition 13 – Crime and Anti-Social Behaviour

The Licence Holder must:

- i) ensure that all reasonable and practical steps are taken to prevent or reduce criminality or anti-social behaviour by the occupants of, and visitors to, the HMO.
- ii) where complaints of criminality or anti-social behaviour are made to the Licence Holder, the Licence Holder shall investigate them and take appropriate action to resolve them. Copies of the complaint shall be kept together with notes arising during the course of the investigation and how the matter was resolved; and the Licence Holder must keep them for the duration of the Licence. Where the Licence Holder has reason to believe that criminal activity is taking place at the HMO or the curtilage of it, the Licence Holder must ensure that the appropriate authorities e.g. Police, are informed.
- iii) There may be instances where anti-social behaviour occurs more than once, but not continuously and possibly intermittently over several months. In such circumstances the Licence Holder shall, as far as is reasonably practicable, take all steps required to ensure that it is effectively dealt with, up to and including eviction.

Condition 14 – Refuse and recycling

The Licence Holder must:

- i) Provide suitable and sufficient provision for storage of refuse generated in the HMO and ensure that occupants use receptacles provided by the Council for storage prior to collection. No waste or waste receptacle must cause obstruction.
- ii) Ensure that all tenants upon commencement of their tenancy are given details about the refuse storage arrangements, including the collection dates for refuse, recycling and green waste, and how to present their waste.
- iii) Ensure that any kind of refuse which the Council will not ordinarily collect (e.g. large items, bedding, furniture, hazardous waste etc.) are disposed of responsibly and appropriately.

iv) Ensure that no refuse or bulky waste items are kept in the front or rear garden otherwise within the curtilage other than in an appropriate storage container for that purpose. These areas are also to be kept free of litter

The Licence Holder is also responsible for ensuring that any kind of refuse which the Council will not ordinarily collect (e.g. large items of furniture, hazardous waste etc.) are disposed of responsibly and appropriately.

Condition 15 – References

The Licence Holder must demand references from persons who wish to occupy the house. No new occupiers should be allowed to occupy the HMO if they are unable to provide a suitable reference. When referencing, consideration must be given to the prospective tenant's previous tenancy history, and right to rent checks. The Licence Holder must provide evidence of such reference and checks carried out when requested by the Council. The Licence Holder must respond to any tenant reference requests they receive within 14 days.

Condition 16 – Inventory

The Licence Holder must arrange to carry out a detailed inventory to be agreed with each tenant at the start of their occupation of the house. The Licence Holder must provide the tenant with a copy of the agreed inventory and keep their own copy.

Condition 17 – Rent Payments

The Licence Holder must ensure that there is a record of all rent payments received in respect of the HMO. All occupiers should be given a rent book or similar receipt for payments made, such as a rent statement. If rent is due weekly, this should be provided to the tenant each week. If rent is due monthly, this should be provided to the tenant at monthly intervals as a minimum.

Condition 18 – Copy of licence

The Licence Holder shall give the tenant(s) a copy of the licence to which these conditions relate at the start of their tenancy together. A copy of the licence shall also be displayed in a prominent position in the common parts of the HMO.

Condition 19 - Emergency Arrangements

The Licence Holder must have in place appropriate emergency and other management arrangements in the event of their absence. The name and contact details of the alternative contact must be provided to the occupant/occupiers.