

## Housing Act 2004 (Part 2)

### Schedule 1 – Statutory Conditions

It is the duty of the Licence Holder to ensure that all the conditions of the Licence are met. Any failure to comply with these Conditions is an offence under Section 72 (3) of the Housing Act 2004.

#### 1. Occupation of rooms

Where an HMO licence is granted on or after 1<sup>st</sup> October 2018 no room in the property shall be occupied by more persons than are detailed below:

Room number	Room location	Max Persons

\*Subject to Condition 17 of Schedule 1 below

COMPLETION: This must be complied with from the date of the licence.

AUTHORITY: Section 67(1)(a), para 1A(3) and 1A(6) of Schedule 4 of the Housing Act 2004 inserted by Regulation 2 of the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 – SI 2018/616.

#### 2. Written Terms of Occupancy

Supply the occupiers of the house, on commencement of their occupancy, with a written statement of the terms in which they occupy the house. The Licence Holder must, on demand, provide the Council with a copy of the written statement.

COMPLETION: This must be complied with from the date of the Licence and whenever there is a change of occupants.

AUTHORITY: para 1(5) of Schedule 4 of the Housing Act 2004.

#### 3. Smoke Alarms

Ensure that smoke alarms are installed in the house and are kept in proper working order. The Licence Holder must supply, on demand, a declaration as to the condition and positioning of the smoke alarms.

COMPLETION: This must be complied with from the date of the licence.

AUTHORITY: para 1(4)(za) & (c) of Schedule 4 of the Housing Act 2004 inserted by Regulation 15 of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 - SI 2015/1693.

#### **4. Portable Appliance Test Certificate**

Keep all electrical appliances made available to the occupants in a safe condition. If an appliance is more than twelve (12) months old obtain for that appliance a Portable Appliance Test (PAT) certificate issued by a competent person. On demand, the Licence Holder must submit a copy of the certificate to the Council.

COMPLETION: This must be complied with from the date of the Licence.

AUTHORITY: para 1(3)(a) & (b) of Schedule 4 of the Housing Act 2004.

#### **5. Landlords Electrical Installation Condition Report**

On 1 June 2020, the following duties in respect of electrical installations became part of the HMO licence conditions:

- to ensure that every electrical installation in the house is in proper working order and safe for continued use;
- to supply the local authority with a declaration confirming the safety of the electrical installation if the authority requests one

'Electrical installation' means fixed electrical cables or fixed electrical equipment located on the consumer's side of the electricity supply meter.

"Electrical installation" has the meaning given in regulation 2(1) of the Building Regulations 2010.

COMPLETION: This must be complied with from the date of the Licence or, if the tenancy began before 1<sup>st</sup> July 2020, from the end of that tenancy or 1<sup>st</sup> April 2021 (whichever is soonest).

AUTHORITY: para 1(3) of Schedule 4 of the Housing Act 2004 inserted by Regulation 13 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 SI 2020/312; Regulation 2(1) of the Building Regulations 2010 SI 2010/2214.

#### **6. Landlord's Gas Safety Certificate**

If gas is supplied to the dwelling, on the expiry of the landlord's gas safety certificate, obtain and submit annually to the Council a new certificate issued by a recognised engineer approved under Regulation 3 of the Gas Safety (Installation and Use) Regulations 1998.

COMPLETION: This must be complied with from the date of the Licence.

AUTHORITY: para 1(2) of Schedule 4 of the Housing Act 2004, para 6 of the Management of Houses in Multiple Occupation (England) Regulations 2006 and para 7 of The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

## **7. Furniture and Furnishings**

The Licence Holder must ensure that all furniture and furnishings supplied by them for use by any occupier of the premise complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1998 (as amended 1989 and 1993) and must provide to the Council on demand a declaration as to their safety.

COMPLETION: This must be complied with from the date of the Licence.

AUTHORITY: para 1(3) of Schedule 4 of the Housing Act 2004.

## **8. Fire Notices**

Provide a notice about what to do in the event of a fire. The notice which shall be located adjacent to the Notice containing the name, address and telephone contact number of the person who manages the house.

COMPLETION: This must be complied with from the date of the licence.

AUTHORITY: Section 67(1)(a) of the Housing Act 2004 and para 5 of Schedule 3 of the Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations 2006.

## **9. Carbon Monoxide Detection**

The licence holder is to ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and to keep any such alarm in proper working order; and to supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm. For the purposes of this paragraph, a hall or landing and a bathroom or lavatory are to be treated as a room used as living accommodation.

COMPLETION: This must be complied with from the date of the licence.

AUTHORITY: Paragraph 1(4A) of Schedule 4 of the Housing Act 2004.

## **10. Bedroom Sizes**

The Licence holder is required to:

- (i) Ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres.
- (i) Ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres.
- (ii) Ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres.
- (iii) Ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.
- (iv) Notify the local housing authority of any room in the HMO with a floor area of less than 4.64 square metres.
- (v) Ensure that where any room in the HMO is used as sleeping accommodation by persons aged over 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.
- (vi) Ensure that where any room in the HMO is used as sleeping accommodation by persons aged under 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.
- (vii) Ensure that where any room in the HMO 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 and the maximum number of persons aged under 10 years so specified.

Rooms 5 (first floor rear left), 6 (first floor rear middle), 7 (first floor rear right) and 8 (first floor front right) are currently undersized and must not be used by an occupant as sleeping accommodation by one person aged over 10 years unless suitable alterations are carried out to ensure the floor area of that bedroom is not less than 6.51 square metres.

COMPLETION: This must be complied with from the date of this licence or, if the room is occupied on the day the licence is granted, from the end of that tenancy up to a maximum of 18 months from the date of this licence. This condition will be included in all subsequent licences.

AUTHORITY: para 1A of Schedule 4 of the Housing Act 2004 inserted by Regulation 2 Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 SI 2018/616.

## **11. Waste**

- I. The licence holder shall continuously provide and maintain not less than the following number of Coventry City Council branded wheelie bins; irrespective of loss, damage, theft or fire.

<b>Number of occupants</b>	<b>Green lid 240L bins</b>	<b>Blue lid recycling 240L bin</b>
<b>3-5</b>	<b>1 (2 *)</b>	<b>1</b>
<b>6-10</b>	<b>2 (4 *)</b>	<b>2</b>
<b>11-15</b>	<b>3 (6 *)</b>	<b>3</b>
<b>15-20</b>	<b>4 (8 *)</b>	<b>4</b>

*\*If the blue lid recycling bin has been confiscated by Coventry City Council.*

- II. The licence holder shall ensure that wheelie bins are maintained in good working order with a secure lid. The licence holder shall arrange for a repair to be undertaken by Coventry City Council within 5 working days of being made aware of any wheelie bin damage or missing lid, irrespective of liability for the damage.
- III. The licence holder shall continuously supply and maintain two 50 litre kitchen bins within the property; irrespective of loss, theft or damage. One shall be labelled as designated for non-recyclable waste, and the other for recyclable waste.
- IV. The licence holder shall make written arrangements for the storage and disposal of waste from the property. These arrangements will set out rules relating to:
  - The sorting of waste into recyclable and non-recyclable
  - Placing the wheelie bin for collection on the footpath not more than 24 hours before collection, and removal from the footpath and storage within the curtilage of the property not more than 24 hours after collection.
  - The necessity to decontaminate the recycling bin if it has been rejected for emptying
  - Making the licence holder or manager aware of excess side waste so that they may make further arrangements to dispose of the waste.
  - The services provided by Coventry City Council or licensed private waste carriers relating to excess waste or bulky waste.

Copies of such arrangements are to be supplied to the Council within 7 days of demand.

- V. Where the occupants do not place wheelie bins for collection by 7am on the correct day, the licence holder shall make further arrangements for the collection and disposal of excess waste from the property that cannot fit in the appropriate bin with the lid down.

- VI. Where the occupants or any other person contaminate the recycling bins causing them to be rejected for emptying. It shall be the licence holder's duty to decontaminate the recycling bin within 7 days of becoming aware if the occupants fail to abide by their tenancy agreement condition.
- VII. Where the occupants or any other person fail to remove a wheelie bin from the footpath within 24 hours of collection, it shall be the duty of the licence holder to return the bin to storage within the curtilage of the property within 24 hours of becoming aware.
- VIII. The licence holder shall continuously display in a conspicuous position within the property the infographic relating to waste contained within this licence pack.

COMPLETION: This must be complied with from the date of the licence.

AUTHORITY: para 1C of Schedule 4 of the Housing Act 2004 inserted by Regulation 2 Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 SI 2018/616. Regulation 9 of the Management of Houses in Multiple Occupation (England) Regulations 2006. Section 67 of the Housing Act 2004

## **Schedule 2A – Standard Discretionary Conditions**

### **1. Restrictions and Prohibitions**

The Licence Holder must not permit the house to be occupied in any other way or by more than the number of households or persons specified in the licence. The Licence Holder must comply with any direction issued by the Council restricting or prohibiting the use or occupation of any particular part or parts of the house by persons occupying it as specified in page 1 or schedule 2 of the licence

COMPLETION: This must be complied with from the date of the licence.

AUTHORITY: Section 67(1)(a), Section 67(2)(a), Section 72(2) and Section 72(3) of the Housing Act 2004.

### **2. Inventory of House Contents and Statement of Condition**

Supply the occupiers of the house, on the commencement of their occupancy, with

- (1) a written inventory of the contents of the house, and
- (2) a written statement of the condition of each room and its fittings.

The Licence Holder must, on demand, provide the Council with a copy of the inventory of contents and a copy of the statement of condition.

COMPLETION: This must be complied with from the date of the Licence and whenever there is a change of occupants.

AUTHORITY: Section 67(1)(b) of the Housing Act 2004.

### **3. Manager's Details**

The licence Holder must display, in a prominent position within the house, a notice containing the name, address and telephone contact number of the person who manages the house.

COMPLETION: This must be complied with from the date of the licence.

AUTHORITY: Section 67(1)(a) of the Housing Act 2004, para 3 of The Management of Houses in Multiple Occupation (England) Regulations 2006 and para 4 of The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007

### **4. Display a Copy of the Licence**

The Licence Holder must display a copy of the HMO Licence in the house. It shall be located adjacent to the Notice containing the name, address and telephone contact number of the person who manages the house.

COMPLETION: This must be complied with from the date of the licence.

AUTHORITY: Section 67(1)(a) of the Housing Act 2004.

### **5. Changes Within the House**

The Licence Holder must advise the HMO Licensing Officer in writing of any change in the house (apart from the change of occupants) that is likely to affect the operation or management of the HMO.

COMPLETION: This must be done within twenty-one (21) days of the change occurring.

AUTHORITY: Section 67(1)(a) of the Housing Act 2004.

### **6. Changes to Personal Circumstances**

The Licence Holder must advise the HMO Licensing Officer in writing of any change to the circumstances of each person (except any mortgage provider) named on the licence application form if the new circumstances are likely to affect the ability of such a person to carry out any function concerning the operation or management of the HMO.

COMPLETION: This must be done within twenty-one (21) days of a permanent change occurring.

AUTHORITY: Section 67(1)(a) of the Housing Act 2004.

## **7. Changes to Address Details**

The Licence Holder must advise the HMO Licensing Officer in writing of any permanent change to the address or contact details of each person (except any mortgage provider) named on the licence application form.

COMPLETION: This must be done within twenty-one (21) days of a permanent change occurring.

AUTHORITY: Section 67(1)(a) of the Housing Act 2004.

## **8. HMO Exterior**

The licence holder shall maintain the exterior condition of the HMO in good order, ensuring that among other things:

- External paint on walls, doors, window frames and railings is kept in good decorative repair and order
- Walls, windows panes, frames and sills are in a clean state, free of dust and detritus
- Walls and boundary walls or fences are free of graffiti
- Spalling bricks are removed and replaced like for like
- Disused or obsolete satellite television dishes and other telecommunication cables are removed
- Weeds and grasses abutting the boundary of, and on the property are treated using herbicide and/or removed

COMPLETION: This must be complied with from the date of the licence.

AUTHORITY: Section 67(1)(b) of the Housing Act 2004.

## **9. Anti-social Behaviour**

- I. The licence holder shall manage and combat the behaviour and conduct of occupiers and any visitor to the property and its immediate vicinity, so as they do not cause or are not likely to cause a nuisance, annoyance, harassment, alarm, distress, physical or mental ill-health to any person residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises, by carrying out any instruction of West Midlands Police or Coventry City Council. The licence holder shall keep documentary evidence of compliance with the instructions of West Midlands Police or Coventry City Council and shall provide copies to the Council within 7 days of demand.
- II. The licence holder shall manage and combat the behaviour or conduct of occupiers and any visitor to the property which involves or is likely to involve the use of such premises for an unlawful purpose, activity, event or gathering, by carrying out any instruction of West Midlands Police or Coventry City Council. The licence

holder shall keep documentary evidence of compliance with the instructions of West Midlands Police or Coventry City Council and shall provide copies to the Council within 7 days of demand.

- III. If provided with contact details, the licence holder shall contact the complainant of ASB in writing within 7 days, explaining what action they have taken to prevent and reduce the anti-social behaviour. The licence holder shall provide copies of the letter to the Council within 7 days of demand.
- IV. The licence holder shall take reasonable and practicable steps to prevent ASB by producing a policy or guidance document for occupiers outlining what conduct or behaviour is expected, and what is not acceptable. The licence holder shall provide copies of the document to the Council within 7 days of demand.
- V. The licence holder shall take reasonable and practicable steps to reduce ASB by enforcing the terms and conditions of an occupation agreement where such conditions are related to anti-social behaviour, including the repercussions for the breach of such terms or conditions, up to and including possession proceedings.
- VI. In the event of any behaviour or conduct which is defined as anti-social, the licence holder agrees to be contacted by phone at any time by West Midlands Police or Coventry City Council.

COMPLETION: This must be complied with from the date of the licence.

AUTHORITY: Section 67(1)(b) of the Housing Act 2004.

## **Schedule 2B – Further Discretionary Conditions**

### **Conditions specific to**

*For the avoidance of doubt the terms "Left", "Right", "Front", "Rear" shall be constructed as those relative positions in the Property when viewing the house as if standing in the road serving the property*