

## **HMO Licensing Conditions – Chesterfield Borough Council**

### **Conditions which incorporate the mandatory requirements**

#### **Gas safety**

1. If gas is supplied to the house, the license holder shall ensure that the Gas Safety (Installation and Use) Regulations 1998 (or any Regulations which subsequently replace these) are complied with.

1.2 In particular the licence holder shall ensure that an annual safety check is carried out by a CORGI registered engineer on each gas appliance/flue in the house.

1.3 The licence holder shall submit to the Council a gas safety certificate obtained within the last 12 months in respect of the house before [insert date] and annually thereafter for their inspection.

#### **Safety of electrical appliances**

2. The license holder shall ensure that the Electrical Equipment (Safety) Regulations 1994 (or any Regulations which subsequently replace these) are complied with.

2.1 The license holder shall ensure that electrical appliances made available in the house by them are kept in a safe condition and proper working order.

2.2 The license holder shall ensure that all electrical appliances made available in the house by them are inspected visually for defects (e.g. frayed wiring, badly fitting plugs etc) at the beginning of each occupancy, regularly thereafter and in any event every two years.

2.3 The license holder shall ensure that earthed equipment (class 1) e.g. kettles and irons and the associated leads and plugs, made available by them are tested at the point of supply and at least every two years thereafter (more often if deemed necessary by a risk assessment undertaken by the licence holder). This test shall be undertaken by a person competent in the use of the testing equipment and who has the appropriate electrical knowledge and training (i.e. a competent electrician or other person in possession of a City and Guilds Certificate 2377).

2.3 The license holder shall ensure that unsafe electrical appliances are removed from the house.

2.4 The license holder shall ensure that a record of visual inspections and tests is maintained.

2.5 The licence holder shall submit to the Council on demand the record of visual inspections and tests.

2.5 The licence holder shall on demand submit a declaration, to the Council as to the safety of electrical appliances.

## **Furniture and Furnishings (Fire safety)**

3. 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, children's furniture, beds, upholstered head boards, mattresses, scatter cushions, seat pads, pillows and upholstered garden furniture are complied with.

3.1 The licence holder shall ensure that the furniture made available by them is kept in a safe condition.

3.2 The licence holder shall on demand, submit to the Council a declaration as to the safety of such furniture.

## **Smoke Alarms / Fire Detection Systems**

4. The licence holder shall ensure that at all times a smoke alarm / fire detection system designed in accordance with BS 5839-6:2004 (or any British Standard which subsequently replaces this) is installed in the house and is maintained in proper working order.

4.1 The license holder shall ensure that the fire alarm system in the house is inspected tested and serviced in accordance with BS 5839 - part 1:2002, sections 6 and 7 (or any British Standard which subsequently replaces this). In particular (where relevant) the following shall be carried out:-

every 6 months checks on the system shall be carried out in accordance with clause 45.3

every 12 months checks on the system shall be carried out in accordance with clause 45.4

Where provided independent smoke alarms shall be cleaned periodically in accordance with supplier's instructions.

4.2 Throughout the period of the licence, inspection and servicing certificates in the format recommended by BS 5839 - part 1:2002 (Annex G 6), [shall be submitted to the Council within 1 month of each check] [shall be submitted to the Council upon demand].

4.3 The above mentioned checks shall be carried out by a competent person. A competent person in this respect includes NICEIC enrolled contractors or ECA members who are familiar with all British Standards relating to automatic fire detection systems, regularly inspect fire detection systems, are qualified to inspect fire detection systems and whose work is subject to regular assessment.

Other contractors will be asked to demonstrate their competence to the Council before acceptance of the certificates.

4.4 The licence holder shall 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. For these purposes A hall or landing, bathroom or lavatory is to be treated as a room used as “living accommodation”.

4.5 The licence holder shall keep any such carbon monoxide alarm in proper working order

4.6 The licence holder shall on demand, submit to the Council a declaration as to the condition and position of any smoke alarms /detectors in the property.

### **Written Agreements**

5. The licence holder shall supply to the occupiers of the house a written statement of the terms on which they occupy it.

5.1 The licence holder shall on demand submit a copy of the written statement to the Council.

### **Discretionary licence conditions to be applied on all licences**

### **HMO Management Regulations and Approved Codes of Practice**

1. The licence holder shall comply with the Management of HMOs (England) Regulations 2006 - or any Regulations which subsequently replace these - and any Approved Code of Practice issued under section 233 of the Housing Act 2004.

### **Safety of Electrical Installations**

2. The licence holder shall ensure that the electrical installation in the house is kept safe and in proper working order.

2.1 The license holder shall ensure that a periodic inspection of the electrical installation in the house is undertaken in accordance with BS 7671 (or any British Standard which subsequently replaces this) at intervals of no more than 5 years.

2.2 The license holder shall on demand submit the latest periodic inspection report in the format recommended in Appendix 6 of BS 7671 to the Council.

2.3 The license holder shall ensure that this report is issued by a competent person. A competent person in this respect includes NICEIC enrolled contractors or ECA members who regularly inspect, and are qualified to inspect domestic electrical installation systems and whose work is subject to regular assessment.

### **Environmental Management/Amenity of the Neighbourhood**

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

4. The licence holder shall ensure that gardens and yards are maintained such that they are not considered to contravene the requirements of Section 215 of the Town and Country Planning Act 1990 and as such do not adversely affect the amenity of the neighbourhood. To that extent the licence holder shall ensure that at all times gardens, yards and other areas within the curtilage of the house are kept in a reasonably clean and tidy condition and free from rodent infestations.

5. The licence holder shall ensure that suitable and adequate provision for refuse storage and collection is made at the house. This shall include a closable bin(s) of suitable capacity as specified by the Council. Arrangements shall be immediately made for the proper collection and disposal of any rubbish additional to that within the dustbins and such rubbish shall be stored at the rear of and within the curtilage of the dwelling. 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.

### **Landlord and Tenant issues**

6. The licence holder shall ensure that notification in writing is given to all occupants at the beginning of their occupancy of the arrangements in place to deal with emergency and other repairs.

7. The licence holder shall ensure that all relevant landlord and tenant legislation is complied with.

8. The licence holder shall ensure that all reasonable and practical steps are taken to prevent or reduce anti-social behaviour by persons occupying or visiting the house.

8.1 The licence holder shall ensure that each occupier is made aware of any conditions imposed by the Council relating to the behaviour of occupants, and that compliance with any such conditions is made a condition of occupancy. Those conditions are that occupants shall:-

- Not cause nuisance and annoyance to other occupants or to neighbouring residents.
- Comply with arrangements made by the manager for the storage and disposal of refuse.
- Not cause damage to fixtures, fittings, fire precautions or premises.
- Not use abusive or threatening behaviour.
- Allow access to the agents/landlord to maintain communal areas and with reasonable notice to carry out works within the occupant's own accommodation.

## **Discretionary licence conditions to be applied as appropriate in the circumstances**

### **Emergency Escape Lighting**

1. The license holder shall ensure that the escape lighting in the house is inspected, tested and serviced generally in accordance with clause 12 of BS 5266 – 1: 1999 (or any British Standard which subsequently replaces this). In particular the following shall be carried out:-

every six months checks on the system shall be carried out in accordance with clause 12.4.4

every three years checks on the system shall be carried out in accordance with clause 12.4.5

for self contained luminaires with sealed batteries, after the first three yearly test, the three yearly test shall be carried out annually in accordance with clause 12.4.6

2.1 Throughout the period of the license, periodic and test certificates in the format recommended by BS 5266 – part 1:1999 (Annex C) [shall be submitted to the Council within 1 month of each check] [shall be submitted to the Council upon demand].

2.2 The above mentioned checks shall be carried out by a competent person. A competent person in this respect includes NICEIC enrolled contractors or ECA members who are familiar with all British Standards relating to emergency escape lighting systems, regularly inspect emergency lighting systems, are qualified to inspect emergency lighting systems and whose work is subject to regular assessment.

Other contractors will be asked to demonstrate their competence to the Council before acceptance of the certificates.

### **Restrictions or prohibitions on the use or occupation of particular parts of the house by persons occupying it.**

3. The licence holder shall ensure that the (following) (attached) schedule of (restrictions) (and/or) (prohibitions) on the use or occupation of the house (and/or) (particular parts of the house) by persons occupying it is complied with.