Proposed Additional Licensing Conditions Recommended for Approval

This Annex contains all the conditions of the licence and has three parts.

Annex 1: Standard Conditions

Sets out the minimum standards and obligations.

Annex 2: Specific Conditions:

Sets out any additional conditions where it is not clear from the information provided, or following a licensing inspection, where it has been determined that the house does not meet the minimum standards for licensing and further facilities/works are required to address the deficiency.

Annex 3: Guidance Notes

ANNEX 1 STANDARD CONDITIONS			
Condition No:	on Condition:		
1	If gas is supplied to the house, to produce to the Council ("the Council") annually for inspection a copy of the gas safety certificate obtained in respect of the house within the last 12 months.		
2	To keep the electrical appliances and furniture in a safe condition, and to supply to the Council on demand, a declaration as to the safety of such appliances and furniture.		
3	To ensure that smoke alarms are installed in the house, to keep them in proper working order and to supply to the Council on demand, a declaration by the licence holder as to the condition and positioning of the fire detection system		
4	To supply to the occupiers of the house a written statement of the terms upon which the house is occupied. Guidance: Compliance with the condition may be achieved by providing written tenancy agreements and to hold copies of any such written documentation for inspection by the Council on request.		
	LICENCE HOLDERS OBLIGATIONS		
p v	Display at all times it is in force, a copy of the licence certificate in a prominent position inside the house where all occupiers will be able to view the said documents. Ensure a copy of the licence conditions are made available to each occupier at the start of their occupation and at		

	any other time on request by any occupier.
6	To ensure that the occupiers of the house are given clear advice on the action to be taken in the event of an emergency and that the occupiers are provided with contact details for such emergency.
7	To notify the Council within 1 month of any changes in circumstances relating to the property that may affect the validity and/or terms of the licence (for example, these include changes to the ownership or management of the property and events that may affect the fit and proper status of the licence holder or manager).
8	To notify the Council before making any material changes to the layout including the provision of facilities, fire precautions or mode of occupation of the house (other than identified as specific works in these conditions or so as to comply with the general conditions of this licence).

FIRE DETECTION WITHIN CATEGORY A & A2 HMOS

(as appropriate the section that does not apply for this particular HMO)

9 Bedsit HMO of one or two storeys with individual cooking facilities within bedsits.

A mixed system:

- Grade D: LD2 coverage in the common areas and heat detectors in bedsits (interlinked)
- Grade D smoke alarm in each bedsit to protect the sleeping occupants (non-interlinked)

Bedsit HMO of one or two storeys with shared cooking facilities outside bedsits.

- Grade D: LD2 coverage including detection to the kitchen, lounge and any cellar containing a risk (interlinked).
- Grade D smoke alarm in each bedsit to protect the sleeping occupants (non-interlinked).

Alternative fire control systems are available, such as sprinkler or mist systems, however if you wish to install such a system, please consult with the Housing Standards Team prior to installation.

FIRE DETECTION WITH CATEGORY B HMOS

(as appropriate the section on fire that does not apply for this particular HMO)

You are required to ensure that the property is equipped with a suitable Fire Detection System, meeting the minimum requirements of BS 5839 Part 6 and that such system is kept in repair and proper working order.

Shared house HMO of up to two storeys (shared cooking facilities)

- Grade D: LD2 coverage including detection to the kitchen, lounge and any cellar containing a risk (interlinked).
- Grade D smoke alarm in each bedsit to protect the sleeping occupants (non-interlinked)

Alternative fire control systems are available, such as sprinkler or mist systems, however if you wish to install such a system, please consult with the Housing Standards Team <u>prior</u> to installation.

FIRE GENERAL

10 You are required to ensure that the property is provided with:

- Protected means of escape walls, floors, ceilings and door sets should be of such construction as to provide 30 minutes fire resistance.
- In high risk areas, e.g. walls, floors or ceilings separating commercial and residential areas, 60 minutes fire resistance is required.
- Where locks are provided on doors, they must have the ability to be opened from the inside without the need for a key.
- Routes of escape to be kept free from obstructions and flammable materials.
- Fire blanket to be provided and fitted in each kitchen facility.
 The location of the fire blanket should not be directly opposite or above the oven or rings/hot plates.
- A lighting system that covers the whole means of escape route.

Unoccupied Basements

Provide 30 minute fire separation between the basement and that part of the ground floor which comprises the route of escape, including the staircase, soffit and spandrel with a self-closing FD30S door fitted at the head of the basement stairs

Occupied Basements

Provide a 30 minute fire separation between the ground floor and the basement including the staircase soffit and spandrel with a self-closing FD30S door fitted at the head of the basement stairs: **AND**:

Provide appropriate means of escape from all habitable basement rooms.

Very Large Occupied Basements

Provide 30 minute fire separation between the ground floor, the route of escape, and the basement including the staircase soffit and spandrel with two FD30S doors (one at the top and one at the bottom of the basement staircase): **AND:**

Provide appropriate means of escape from all habitable basement rooms.

WASHING AND SANITARY FACILITIES

Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household you are required to provide;

1-4 persons At least 1 bathroom and 1 WC with WHB (the bathroom

and WC may be combined)

5 persons 1 bathroom, **AND**

1 separate WC with WHB (this can be contained within a

second bathroom)

6-10 persons 2 bathrooms, **AND**

2 separate WCs with WHBs (one of the WCs can be containe

within one of the bathrooms)

11-15 persons 2 bathrooms, **AND**

3 separate WCs with WHBs (but 2 of the WCs can be

contained within 2 of the bathrooms).

WASHING AND SANITARY FACILITIES GENERAL:

All baths, showers, WCs and WHBs must be fit for purpose.

All baths and wash hand basins in an HMO must be equipped with taps or controls providing an adequate supply of constant cold and hot water and be properly connected to the drainage system via a trapped waste outlet.

All showers must be provided with constant supplies of hot and cold water or hot water at a suitably controlled temperature and be properly connected to the drainage system via a trapped waste outlet.

All WCs must be provided with an adequate cold water supply and be properly connected to the drainage system via a trapped waste outlet.

All bathrooms must be suitably and adequately heated and ventilated.

The walls and floor coverings of any bathroom or WC must be reasonably smooth and impervious and capable of being readily cleansed.

Lights must be operated by pull cord switches within bathrooms and WCs

All bathrooms and WCs must be of an adequate size and layout and within the living accommodation; or within reasonable proximity and no more than one floor away from the sleeping accommodation in the case of a **Category A HMO** and not more than two floors distant from the sleeping accommodation in relation to a **Category B HMO**

Amenities shared by two or more households must be accessible from a common area.

KITCHEN FACILITIES

13 Shared Kitchen Facilities (As appropriate depending on Cat A/A2 or Cat B HMO)

Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food, to provide the following;

A kitchen suitably located in relation to the living accommodation and of such layout and size and equipped with such facilities so as to adequately enable those sharing facilities to store, prepare and cook food.

Equipment listed below which must be fit for purpose and supplied in sufficient quantity for the numbers of those sharing the facilities-

- One sink of minimum dimensions 500mm by 600mm with draining board provided with an adequate supply of safe potable cold and constant hot water and adequate waste drainage for every five sharing occupiers. Where more than 5 persons occupy a house, the provision of a double-bowled sink & single drainer, or a dishwasher (in addition to a sink) may be treated as meeting this standard up to 7 persons for a Cat A/A2 HMO / 9 persons for a Cat B HMO (delete as appropriate)
- A cooker comprising of four rings or hot plates, an oven and grill
 for every five sharing occupiers. Where the shared facilities are
 available for up to 7 persons for a Cat A/A2 HMO/ 9 persons
 for a Cat B HMO (delete as appropriate) the standard may be
 met by providing a microwave in addition or a cooker with 6
 rings and more than one oven;
- Provide electrical sockets located above a useable worktop space (in addition to any sockets required for major appliances) to the following ratio:
 - For a Cat B HMO; At least 4 sockets (2 doubles) per 5 persons plus an additional double socket for each additional household sharing the kitchen up to a maximum requirement of 4 doubles. For a Cat A/A2 HMO; At least 4 sockets (2 doubles) per 3 persons, with additional double for each extra person therefore.
- Worktops for the preparation of food minimum dimensions of which must be 500mm x 1500mm per 5 persons with an additional 250mm for every additional person sharing the kitchen to a maximum requirement of 2000mm;
- 1 standard 500mm wide base or wall unit plus 0.15m³ refrigerated storage space per person. Adequate freezer space

- is also required;
- Appropriate extractor fan to be provided which is capable of achieving 3 air changes an hour;
- Adequate internal storage for bins;
- Appropriate fire blanket to be provided and fitted to a fixed surface NOT directly over or opposite the cooker or hob/hotplates;

Individual kitchen facilities (If applicable)

Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, to provide that unit with all of the following facilities/equipment:

- One sink of minimum dimensions 500mm by 600mm with draining board provided with an adequate supply of safe and potable cold and constant hot water and adequate waste drainage for every five sharing occupiers.
- A cooker comprising of two rings or hot plates, (four rings or hotplates if provided for two people), an oven and grill per person. A microwave may be provided instead of the additional two rings or hotplates for two people;
- Electrical sockets located above a useable worktop space (in addition to any sockets required for major appliances): 3 electrical sockets;
- Worktop or table space with a smooth impervious surface (500mm x 1000mm) for the preparation of food;
- 1 standard 500mm wide base or wall unit plus 0.15m³ refrigerated storage space per person. Adequate freezer space is also required;
- Adequate internal storage for bins;
- Appropriate fire blanket to be provided and fitted to a fixed surface NOT directly over or opposite the cooker or hob/hotplates;

HEATING

14

Fixed heating is to be provided throughout the property which is capable of efficiently maintaining an indoor temperature of 21°C in all habitable rooms and bathrooms and 18°C in all functioning space (hallways, corridors and passages) when the outside temperature is -1°C. The provision of insulation can assist in meeting this standard.

Wherever practical, heaters (excluding radiators) shall be fixed in such a position so as to direct heat towards the centre of the room.

The heating system must be capable of use at all times and be fully temperature controllable by the occupiers of the HMO, both within their

exclusive use rooms and communal spaces. If central heating is on a timed supply, where tenants do not have access to the main controls, then supplementary heating must be installed in each unit of accommodation. Where this supplementary heating is provided, it must be from a fixed appliance capable of thermostatically controlled instant heat, connected to a suitable flue and terminal outlet, or dedicated fixed spur socket.

The use of portable paraffin or oil fired heaters and liquefied petroleum gas heaters (LPG or Bottled Gas heaters) will not be acceptable under any circumstances, whether provided by the landlord or the tenant.

ELECTRIC SOCKETS

15

Electrical socket outlets shall be provided to individual rooms or lettings to a minimum standard as follows:

- Living rooms 4 single sockets or equivalent.
- Bedrooms 4 single sockets or equivalent.
- Bedrooms containing living space 6 sockets or equivalent.

Category A bedsits containing kitchen facilities – 3 sockets in suitable locations away from the kitchen and in addition to those require as part of the kitchen facilities (see section 5).

The above number of required sockets is in addition to any which are permanently in use, such as for refrigerators, cookers or water heaters.

Electric cookers must be provided with a dedicated cooker point outlet suitable to the rating of the cooker, and fixed electric space or water heating appliances must also be provided with separate dedicated electric points.

LIGHTING

All rooms, passageways, staircases cellars in use shall be adequately lit with suitable switching, including two-way switching to stairs and passageways etc, as necessary.

REFUSE

Provide refuse and recycling bins or containers in sufficient numbers and type for the needs of the house and compatible with the requirements of the refuse collection service.

All refuse containers shall be located on hard-standings with suitable access for cleansing the area and removing of containers, located away from habitable rooms and where reasonably practicable at the rear of the house unless a proper housing is provided at the front.

Where reasonably practicable such containers shall be positioned so that bins do not obscure natural light from windows below bin height

ANTI-SOCIAL BEHAVIOUR

The Licence Holder must take all reasonable and all practicable steps for preventing and dealing effectively with anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.

The Licence holder must:

- i) Obtain valid pre-let references in relation to persons who wish to occupy the house, in order to make an informed decision regarding their occupancy of the property. References should include details of previous housing history and tenancy conduct, including behaviour of that of the proposed occupier and household and credit references in isolation are not adequate. Evidence of these references and checks must be made available to the council upon request.
- ii) Provide upon request to the Local Authority information regarding the full names and dates of birth of each occupant.
- iii) Respond to reference requests from other landlords within a reasonable timescale and provide an honest and accurate reference relating to existing or past tenants.
- iv) Ensure that any future written statement of the terms and conditions on which the house is occupied contains a clause holding the occupants responsible for any anti-social behaviour by themselves and/or their visitors. The Licence Holder must ensure that all occupants are aware of the existence of this clause by advising them upon taking up residence.

Note: A written leaflet with the necessary information to comply with the above condition can be provided free of charge on request from the authority.

v) 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, anti-social behaviour is taken to comprise behaviour by the occupants of the house and/or their visitors, which causes or is likely to cause harassment, alarm, distress, nuisance or annoyance to other occupants of the house, to

anyone who visits the house, including communal areas, or to persons residing in, visiting or working in the locality of the house. This process is to include:

- a) Inform the tenant within 7 days of a complaint being received, in writing, of the allegations of ASB made against them and the consequences of its continuation,
- b) Monitor the allegations following receipt of a complaint of ASB and take all reasonable steps to establish if the ASB is continuing,
- c) Keep written notes of all meetings, telephone conversations and investigation activities regarding ASB and provide the authority with a copy within 7 days on demand,
- d) If after 14 days of the tenant receiving the letter required in a) the anti-social behaviour continues, the licence holder, or managing agent, must take appropriate formal steps to enforce the terms of the tenancy agreement or to terminate it, including legal proceedings against the tenant if necessary, and
- e) Where an obligation under d) has occurred, the licence holder will provide to the authority a written plan setting out the proposed steps and estimated timescales for taking those steps in order to resolve the anti-social behaviour.
- vi) Engage with the Council, the police or any other agency involved with investigation of anti-social behaviour relating to the property or tenants of the property. This may involve providing supporting information or evidence where an appropriate authority seeks a legal remedy to the antisocial behaviour.
- vii) Ensure that the occupants of the house are aware of the services available to them and how they can report nuisance and anti-social behaviour to the authority.

TRAINING

The Licence Holder or Manager, (if different to the licence holder) must on request of the Council, attend a training course approved by the Council within a specified time frame and produce on demand written evidence of such attendance.

ANNEX 2 SPECIFIC CONDITIONS

These conditions relate to your property specifically and have been set to address the lack of facilities or equipment in relation to the minimum standards for this particular category of HMO.

Where a specific time frame for compliance has not been detailed within the conditions, then full compliance with all the conditions should be reached 6 months from the commencement date of this licence.

OCCUPANCY LEVEL

Based on the application the Council consider this property to be suitable as a Category A/Category A2/Category B HMO.

The Licence Holder must ensure the property is continued to be occupied as a Category A/Category A2/Category B HMO throughout the duration of this licence and in accordance with the following restrictions;

Room Location/Number	Maximum No. of Persons	Maximum No. of Households
Kitchen	0	0
Dining Room	0	0
Living Room	0	0

Please note: At the time of granting the HMO licence the property has not been inspected to determine compliance with standards of amenity and safety adopted by the Council or HHSRS. Such inspections will take place in due course following notification to the Licence holder, owner, and occupiers, after which any improvements found to be necessary will be advised in writing.

ANNEX 3 GUIDANCE NOTES

This section is intended to provide helpful reminders and information which may be useful to the licence holder in order to comply with the conditions in Annex 1 and 2.

Definitions of the Categories of HMO

Category A - Bedsit

These are premises comprising of multiple units of accommodation that are rented as individual lettings, usually landlord selected tenants, with exclusive use of certain rooms, usually a single room which includes sleeping and living space. Occupiers will usually share personal washing, WC and cooking facilities, but do not usually have a communal living room. The rental agreement would be to an individual or household and will usually detail the parts of the HMO they may occupy.

Examples of Bedsit type HMOs:

- Single room for exclusive use by the occupant sharing some/all personal washing, WC and cooking facilities.
- Multi-room letting for exclusive use of the occupant sharing some/all personal washing, WC and cooking facilities.
- Non self-contained flat single or multi room letting for exclusive use by the occupant sharing some/all personal washing, WC and cooking facilities.

Please note the presence of a shared communal living room <u>does not</u> make a HMO a shared house.

Category A2 – bedsit occupied in a hostel style.

Properties which are occupied in a hostel style are still required to provide certain facilities and meet minimum room sizes. A HMO falls into the category of hostel style if it provides temporary accommodation to people with no other permanent place of residence or provides accommodation to people in conjunction with treatment or an application process such as rehabilitation or asylum seeking. This category of HMO may also include residential properties provided to workers as part of a short term contracts of employment in the area. In such cases it is expected that the work/accommodation is for a predetermined period of time which is substantially shorter then what could be catered for through an assured short hold tenancy. It would also be expected that workers in Category A2 houses have family links and permanent accommodation elsewhere, where they often return for weekends or holidays, making it unlikely they become long term residents of the area.

Please note the provision of short term tenancies or a high turnover of occupants does not make a HMO a hostel style. If you believe your HMO to be occupied in a hostel style.

Category B - Shared houses

This type of HMO is rented to a group of people on one contract (group/joint contract) typically a group of students or professionals who have collectively opted to live together as a preformed group for a predetermined period of time. Occupiers can still have exclusive use of a bedroom and would share personal washing, WC and cooking facilities. There must be a communal living/dining room which is shared by all

occupants. Shared houses are usually smaller HMOs and it is unlikely that sharing arrangements by larger groups would be able to demonstrate the communal living environment and close personal links between tenants expected for this category of properties.

Please note that the presence of locks of bedroom doors within a shared house may result in the requirement for a higher specification of fire detection.

Definitions of single house hold

Single household

Section 258 of the Housing Act 2004 details the criteria for persons not forming a single household in relation to HMOs under s254. Persons are to be regarded as not forming a single household unless:

 they are all members of the same family, or their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority

A person is a member of the same family as another person if:

- those persons are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);
- one of them is a relative of the other; or one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple

A "couple" means two persons who are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);

"Relative" means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;

A relationship of the half-blood shall be treated as a relationship of the whole blood; and the stepchild of a person shall be treated as his child.

Additional Legislative Requirements The Licence Holder should be aware of

Management of Houses in Multiple Occupation (England) Regulations 2006. (as amended)

To ensure that the licence holder is aware of and complies with the conditions imposed by The Management of Houses in Multiple Occupation (England) Regulations 2006, (or where superseded under any replacement regulations). In particular:

Regulation 3: To ensure the licence holders name, address and telephone number (or that of the manager of the house) is made available to each household in the HMO and also clearly displayed in the common parts of the house. A copy of the licence shall also be displayed in a prominent position in the HMO.

Regulation 10: It is recommended that you make all occupiers aware of their obligations under these regulations. This includes:

- (a) conduct himself in a way that will not hinder or frustrate the manager in the performance of his duties;
- (b) allow the manager, for any purpose connected with the carrying out of any duty imposed on him by these Regulations, at all reasonable times to enter any living accommodation or other place occupied by that person;

(c) provide the manager, at his request, with any such information as he may reasonably require for the purpose of carrying out any such duty: (d) take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under these Regulations: (e) store and dispose of litter in accordance with the arrangements made by the manager under regulation 9; and (f) comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment. The Food Safety and Hygiene (England) Regulations 2013. Where the landlord provides a catering service any facilities are required to also comply with In addition, some self-catering facilities will need to be provided and the level of facilities required will be determined. Additional advice Any reference in Annex 1 regarding suitable Fire Detection System, regarding Fire must meet the minimum requirements of BS 5839 Part 6: 2013. Precautions Any reference in Annex 1 regarding suitable emergency lighting, must meet the requirements of BS 5266 Part 1, 2011 to cover the whole means of escape route. To supply to the Council, on demand, a declaration by the licence holder, as to the condition and positioning of the BS 5839 Part 6: 2013 Grade A, Category LD2 Automatic Fire Detection System. At the completion of any installation, you should ensure you gain detailed information of the installation from your installer to enable you to supply to the Council, on demand, a declaration, as to the condition and positioning of any Automatic Fire Detection System. Alternative fire control systems to what is listed in Annex 1 are available, such as sprinkler or mist systems. However if you wish to install such a system, please contact the Enforcement Team prior to installation as you would be required to apply for a variation to the condition of your licence. Fire Risk As a licensed property it is a requirement of the Regulatory Reform Fire Safety Order 2005 to carry out a Fire Risk Assessment. Further advice Assessment and guidance on this can be found at http://www.firesafe.org.uk/housesin-multiple-occupation/ or http://www.syfire.gov.uk/business-advice/firerisk-assessments/ David Swann is sending you a contact list for the Doncaster Refuse Waste containers shall be provided to contain all the waste generated at the premises, prior to its off-site disposal. The Council will issue one, 240 litre wheeled bin per HMO/self-contained flat. The minimum recommended provision to meet the conditions in Annex 1, is 120 litres of waste capacity per resident per fortnight. If the Council provided bins are insufficient to the occupancy number you must increase waste capacity.-The Council will provide sufficient bins (if required), boxes and bags to facilitate recycling from the premises. For information about recycling collection services, including details of materials accepted please visit our website www.doncaster.gov.uk/recycling or telephone 01302 736000. If you do not have an appropriate refuse collection service in place or

require further capacity, both the Council and private contractors can provide containers and an appropriate refuse collection service. The Council provide waste and recycling collection services across the borough and understand that all properties are not the same; to this end the council would look to provide a tailored service to suit your needs. Please visit www.doncaster.gov.uk/commercial or contact the Council on 01302 736000 and ask for information on a trade waste.

Properties must be provided with adequate waste storage to meet the need of residents and there should be suitable access and egress if required. Further information can be found in the Waste Storage and Collection Guidance for New Developments. The landlord is responsible for placing container(s) on his/her premises as not to cause a nuisance. Containers must not be stored on the highway. A suitable hard standing with suitable access for cleansing of the area and removal of containers shall be provided. Container storage should be located in an area away from window openings and habitable rooms and, wherever practicable, at the rear of the premises.

The Council will only empty waste within the bin (with the lid closed). It is the Council's policy not to clear side waste; this will be the responsibility of the residents and/or Landlord/Managers. If side waste hinders the emptying of bins the Council reserves the right not to empty the bins until such time as access is available.

If a bin becomes contaminated it will not be emptied by our contractor until the contamination has been dealt with. It is the residents and/or Landlord/Managers responsibility. If persistent contamination occurs the Council reserves the right to remove provisions as it sees fit.

Doncaster Council classifies waste from your unoccupied rented properties as 'generated as a result of your business' which means that you have a responsibility for ensuring that all waste is disposed of properly and legally. Demolition and construction waste is always classified as industrial waste.

Tenants are householders and may dispose of their waste at household waste recycling centres, recycling bring sites or kerbside collections.