

APPENDIX 3

PROPOSED 2019 LICENCE CONDITIONS Rhondda Cynon Taff County Borough Council

Licensing Conditions for a House in Multiple Occupation (Housing Act 2004 Section 67)

Premises:

Licence reference:

These conditions are mandatory and will be imposed by Rhondda Cynon Taf County Borough Council in all Houses of Multiple Occupation (HMOs) that are subject to a licensing scheme within the scope of Part 2 of the Housing Act 2004. The Council may apply others with discretion in appropriate circumstances and the list below should therefore not be regarded as exhaustive.

1. Number of persons/households permitted to occupy the property

- 1.1 The licence holder must not permit the HMO to be occupied by more than the number of persons specified in the licence.
- 1.2 The use and level of occupancy of each room shall not be changed without the prior written approval of the Licensing Authority.

2.Changes to the licensed property, licence holder or management arrangements

- 2.1 No alteration that may impact on the licence conditions will be made to the property without prior notification to the Licensing Authority
- 2.2 Any material change of circumstances in respect of the licence holder, manager or anyone else involved with the property itself or its management must be notified to the Licensing Authority within seven days of such a change occurring. This will include any change of contact details.

3. Letting Arrangements

- 3.1 The licence holder shall supply all occupiers of the house with a written statement of the terms on which they occupy it.
- 3.2 The licence holder will provide each new occupier at the start of their occupancy with:
 - (a) Written information on recycling and refuse storage, collection and disposal arrangements;

- (b) Written information on procedures for the escape from the building in case of fire, including, but not limited to, understanding the alarm, the importance of fire doors and protecting the escape, keeping the escape route free from obstruction and proper use of fire-fighting equipment provided. The licence holder shall ensure that all occupiers are fully aware of procedures for dealing with false fire alarms;
- (c) Written details of the arrangements that are in place for dealing with repairs and emergency situations at or in connection with the property. This should include names, telephone numbers and email addresses where available;
- (d) Written information about anti-social behaviours detailed in **condition 7** of this licence
- (e) Information is provided regarding the operation of the heating system and advice given in respect of minimising condensation dampness and mould growth

3.3 The Licence Holder or Manager shall ensure that all reasonable requests by an authorised Officer of the Council's HMO licensing Team to examine or survey the property are fulfilled and access is gained without unnecessary delay.

4. The condition of the property and associated facilities

4.1 The licence holder must ensure that the HMO has adequate means of escape and other fire precautions in case of fire in line with the Council's adopted standards and the requirements of the Fire and Rescue Service, and or the requirements of the Approved Document B of the Building Regulations currently in force, as applicable.

4.2 The licence holder must ensure that the HMO is maintained free from serious disrepair.

4.3 The licence holder must ensure that the HMO complies with the Council's adopted space and amenity standards.

4.3 The licence holder must ensure that adequate space heating is provided and maintained in each unit of living accommodation.

4.4 A working carbon monoxide alarm must be fitted to any room that is used partly or wholly as living accommodation and also contains any appliance which burns, or is capable of burning, solid fuel, mains gas or liquid petroleum gas fuel.

4.5 The licence holder must ensure that adequate amenities, facilities and equipment are provided and maintained in good order in the HMO for the use of the occupants at all times. This shall include satisfactory facilities for the storage, preparation and cooking of food including an adequate number of sinks with a suitable and sufficient supply of hot and cold water, in line with the Council's adopted amenity standards. It shall also include the provision of

an adequate number of suitably located water closets, an adequate number of suitably located fixed baths or showers and wash hand basins, each of which is provided with a suitable and sufficient supply of hot and cold water and properly connected to the drainage system.

4.6 The licence holder must ensure that the internal common parts, staircases and other communal areas are maintained on good order and that they are so far as practicable in a clean and tidy condition.

4.7 All licensable properties must attain a minimum “E” rating energy performance unless the premises is exempt in accordance with criteria specified with The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

4.8 The Licence holder shall ensure that all portable electrical appliances provided by the landlord for use by the tenants occupying the property shall be kept in a safe condition. Upon request by the Council, an up to date annual Portable Appliance Testing (PAT) certificate shall be provided as evidence to satisfy this condition.

4.9 The Licence Holder shall ensure, as far as reasonably practicable, any waste arising from building work or improvements to the house is not stored or does not accumulate within the curtilage of the property. All accumulations shall be removed without delay to a licensed waste disposal facility.

5. Fire precautions

5.1 The licence holder must ensure that there are appropriate means of escape, fire precautions and equipment provided at the property in line with the Council’s adopted standard. The licence holder will provide the Council with a declaration, on demand, as to the design, installation and conditions of the system

5.2 The licence holder shall ensure that the fire alarm and detection system and fire extinguishers provided at the property are maintained in good working order; that the alarm system, including sounders and smoke detectors, are tested at appropriate intervals in accordance with the installer’s/ manufacturer’s instructions and that any defects are remedied immediately.

As a minimum, the alarm system should be tested by operating all alarm sounders in the dwelling at least once every month, annually testing each smoke detector for response to smoke, cleaning of the smoke detectors periodically in accordance with the manufacturer’s instruction, or such other measures as may be deemed appropriate to the circumstances. Fire extinguishers should be visually checked monthly and annually serviced. Keep a written record of testing and maintenance of the alarm system, for example in the form of a log book. This record must be made available for inspection upon demand of the licensing authority.

5.3 The licence holder shall ensure that arrangements are in place for an appropriate person being available to attend the property at any time in the event of a false alarm to ensure that the fire alarm system is properly re-set. Contact details for this person shall be registered with the Council's Housing Standards Team, Ty Elai, Dinas Isaf East, Williamstown, Tonypanyd CF40 1NY. Email publichealthhousing@rctcbc.gov.uk

5.4 The Licence holder shall ensure that the fire alarm is tested by a suitable and competent contractor following all false alarms and fire occurrences to ensure the system is properly re-set. The licence holder shall ensure that the Council is informed of a fire occurrence at the property within 24 hours of the fire occurrence being notified to the licence holder or their nominated representative.

5.5 Maintenance of Fire Sprinkler Systems (where installed)

Written evidence should be provided to the Licensing Authority annually that any sprinkler system installed within a licensed property is maintained in accordance Section 7 of BS 9251:2014 : *Fire sprinkler system for domestic and residential occupancies - Code of practice*

The sprinkler system should be subject to an annual inspection and test by a competent person, as follows.

- a) The system should be inspected to determine whether all components are functioning as designed.
- b) The system should be inspected for leaks.
- c) The system should be inspected to determine whether any or all modifications have been carried out in accordance with this standard.
- d) Where there has been a material alteration to the building, an increase in fire loading or a change to include vulnerable occupants, an assessment should be made as to whether the category of system is still appropriate.
- e) The sprinklers and cover plates should be inspected to determine whether they have been tampered with or whether their spray pattern has been impeded.
- f) Valves should be exercised to ensure free movement and any locking mechanism should be checked and reinstated.
- g) The test valve should be operated to determine whether the system's design flow rate and pressure, as hydraulically calculated, is achieved.
- h) Alarms should be tested to determine whether they function as designed.
- i) Backflow prevention devices should be maintained in accordance with the manufacturer's recommendations or BS EN 806-5.
- j) Any remote monitoring arrangements should be tested to determine whether they are being transmitted and received correctly.
NOTE 2 It is essential that any alarm receiving centre to which alarm signals are relayed is notified before, and immediately after completion of, any tests that could result in an alarm signal.
- k) Where trace heating is installed, its operation should be checked.

6. Gas, Electrics and Furniture

6.1 If gas is provided to the house, with reference to the gas appliance, boilers and flues (the 'gas appliances etc.'): -

- I. The licence holder must ensure that at all times the gas appliances etc. provided as part of the tenancy are in a safe condition.
- II. A certificate from a Gas Safe registered engineer concerning the condition of the gas appliances etc. shall be provided to the Council with each application for a licence. A copy of this certificate must also be provided to each tenant upon the start of a tenancy agreement and annually thereafter.
- III. On each occasion that the gas appliances etc. are altered in any way, the licence holder must produce to the Council a further certificate from a Gas Safe registered engineer concerning the condition of the gas appliances etc.
- IV. The licence holder must produce to the Council annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.

6.2 The licence holder must keep electrical appliances and furniture made available by him in the house in a safe condition. In particular, the licence holder must ensure that all upholstered furniture and furnishing provided as part of the tenancy comply with the standards required in the Furniture and Furnishings (Fire Safety) Regulations 1988 as amended and any other statutory instrument or other enactment which may, after the date of licensing, directly or indirectly replace them, with or without amendment. On demand, the licence holder must supply the council with a declaration by him as to the safety of these appliances and furniture.

6.3 With reference to the electrical installations in the house: -

- I. The licence holder must ensure that all lighting to the common parts is kept in good working order.
- II. The licence holder must ensure that at all times the electrical wiring to the lighting and power circuits, and the circuits to the fire alarm and emergency lighting systems and all electrical appliances (the 'circuits and/or appliances') provided as part of the tenancy arrangements are in a safe condition.
- III. Prior to licensing, the proposed licence holder must produce to the Licensing Authority, an electrical certificate issued from a qualified electrician confirming the satisfactory condition of the circuits and/or installation. The electrical certificate must not be more than 5 years old.
- IV. On each occasion that the circuits and/or installation are altered in any way, the licence holder must produce to the Council, a further

certificate from a qualified electrician confirming the satisfactory condition of the circuits and/or installation.

- V. For the purposes of this condition, a “qualified electrician” means a member of the Electrical Contractors Association (ECA), the National Inspection Council for Electrical Installation and Contracting (NICEIC), the Institute of Electrical Engineers (MIEE), or person qualified to the current IEE Wiring Regulations / British Standard (BS 7671:2008(2015) 2382-15). The licence holder must ensure that the electrician is suitably qualified to provide an Electrical Installation Condition Report (EICR)

7. Community and Environmental Matters

7.1 The licence holder must ensure that all reasonably practicable means are used to ensure that the occupants of (and their visitors to) the property;

- a) refrain from engaging in conduct causing or likely to cause nuisance or annoyance to a person residing, visiting or otherwise engaged in lawful activity in the locality, particularly in the following ways:-

- the playing of amplified (or other) music which is audible in the neighbouring properties or the streets;
- behaviour constituting breach of the peace or contravening the Public Order Act 1986, the Criminal Justice Act 1994 or other relevant enactment;

- b) refrain from using the property or allowing it to be used for illegal purposes or for an arrestable offence committed in the property or the locality;

and to this effect, the licence holder must take steps to ensure the occupants of the property are aware of the conditions imposed by the Council relating to their behaviour and this must be done at the commencement of any tenancy, as a minimum.

7.2 The licence holder must take all reasonable steps to co-operate with the Council over any action or investigation they may undertake in respect of anti-social behaviour arising in connection with the occupiers of (or visitors to) the licensed HMO.

7.3 The licence holder must ensure that the external structures, gardens and yards of the house are maintained in satisfactory repair (including decorative repair), clean condition and good order so as not to be detrimental to the amenity of the occupying tenants, neighbours, surrounding community or neighbourhood. The terms ‘structures’ includes windows, doors, roof, fascia and soffit boards, rainwater goods and boundary walls, gates and fences.

7.4 The licence holder must ensure that adequate and suitable refuse storage receptacles are provided for the exclusive use of the occupiers of the property.

7.5 The licence holder shall ensure that the occupiers of the house have written notification of the relevant collection and disposal arrangements for refuse arising from the property. The written notification shall include a statement that it is an offence to place refuse for collection on the public highway, public footpath or other designated collection point earlier than 12 hours before the scheduled time of collection. The licence holder must notify the occupiers of the HMO that they shall not permit litter or refuse to spread from the house onto the street or other land outside the curtilage of the house.

7. Waste storage and disposal arrangements

7.1 The licence holder shall ensure that suitable and sufficient storage facilities are provided for household waste and recycling to prevent animals and birds from access to the waste pending its disposal.

7.2 The licence holder must ensure so far as practicable that the external areas within the curtilage of the property are kept clean, are free of accumulations of waste and are free from rodent infestations.

8. Provision of satisfactory management arrangements

3.1 The licence holder must ensure that the HMO is properly managed at all times. In particular the licence holder must ensure compliance with the Management of Houses in Multiple Occupation (Wales) Regulations 2006 and/ or The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (Wales) Regulations 2007 and ensure that the property is appropriately managed or supervised for the purpose of ascertaining whether there are contraventions of the management regulations.

3.2 The licence holder must provide all tenants with a written statement of the terms on which they occupy the premises.

3.3 The licence holder must ensure that any persons involved with the management of the HMO are to the best of their knowledge “fit and proper persons” for the purposes of the Housing Act 2004.

3.4 The licence holder must ensure that there are adequate arrangements in place for dealing with emergency occurrences at or in connection with the property and must take suitable steps to ensure that all occupiers of the property are aware of the arrangements.

3.5 The licence holder must display in a prominent position in the house the following information: -

- I. A copy of the licence currently in force in respect of the property.
- II. The name, address and contact number of the licence holder and manager if different, and nominated agent if applicable.
- III. Details of contact arrangements in case of an emergency in respect of the property.
- IV. A copy of a valid test certificate for the fire detection, warning and emergency lighting system.
- V. A copy of a valid test certificate for all gas appliances etc (if any).