

Mae'r ddogfen hefyd ar gael yn Gymraeg
This document is also available in Welsh

LICENCE CONDITIONS FOR A HOUSE IN MULTIPLE OCCUPATION

HOUSING ACT 2004

PREMISES:

These conditions are mandatory and are imposed by Swansea Council to Houses in 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 other licence conditions with discretion in appropriate cases.

These conditions are made under the Council's HMO Licensing Policy 2020. A copy of the Policy can be found on the Council's website www.swansea.gov.uk/hmolicensing2021

Any reference to the Council shall mean Swansea Council.

Number of persons permitted to occupy the property

1. The number of persons residing at the property shall not exceed the maximum number stated on the licence.
2. Where the numbers are in excess of the permitted level at the time of the granting of the licence the licence holder must take the appropriate legal steps to reduce the numbers at the earliest opportunity.
3. The use and level of occupancy of each room shall not be changed without the approval of the Council.

Changes to the property, management arrangements or licence holder

4. No alteration that may impact on the licence conditions will be made to the property without prior notification to the Council.
5. 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 Council within 14 days of such a change occurring. This will include any change in contact details or sale of the property.

6. If any proposed changes mean that the property will no longer be suitable for use as an HMO, that the management arrangements are no longer satisfactory or that the licence holder or any manager are no longer considered to be fit and proper persons, the Council may vary or revoke the licence.

Letting arrangements

7. The licence holder shall supply all occupiers of the house with a written statement of the terms on which they occupy it.
8. The licence holder will provide each new occupier at the start of their occupancy with:
 - a) Written information on recycling and refuse storage (both inside and outside the property), collection and disposal arrangements including how to get recycling bags (the Council's guide to recycling and refuse disposal shall be displayed within the property);
 - 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 route, keeping the escape route free from obstruction and the 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 e-mail addresses where available;
 - d) Written information about anti-social behaviour as detailed in condition 29 of this licence.
9. The licence holder shall ensure that each occupier, following receipt of the information above, signs the Declaration of Understanding. A copy of the signed Declaration must be provided to the Council on demand.

Condition of the property

10. The licence holder must carry out the works in the attached schedule within the specified times.
11. The licence holder must maintain the structure and fabric of the house in good condition.
12. The external appearance of the house shall be maintained in good repair and decorative order. All external painted walls of the house must be painted at least once during the licence period and more often if required to remain compliant.
13. The licence holder shall ensure that all issues concerning repairs and maintenance of the fabric of the building, appliances, equipment or furniture

notified to him by the occupiers, Council, letting or managing agent or visitors to the property are remedied within a timescale appropriate to the urgency of the issue.

14. The licence holder must ensure that the property complies with the Council's adopted space standards.
15. The licence holder must ensure that the property meets the Council's adopted amenity standards having regard to the maximum number of occupiers stated on the licence. All such amenities, facilities and equipment shall be maintained in good working order.
16. The licence holder must ensure that adequate space heating is provided and maintained in each unit of living accommodation.
17. The licence holder shall ensure that the property attains a minimum E rating energy performance unless the premises is exempt in accordance with criteria specified in The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. A copy of the EPC certificate shall be provided to the Council on demand.

Fire precautions

18. The licence holder must ensure that there are appropriate means of escape, fire precaution facilities 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 condition of the fire precaution system.
19. The licence holder shall ensure that the fire alarm and detection system, including suppression system, if fitted and fire extinguishers provided at the property are maintained in good working order and that the alarm system, including sounders, smoke detectors and suppression system, if fitted, are tested at appropriate intervals in accordance with the installer's/manufacture's instructions Any defects are to be remedied immediately and written records must be kept of testing and maintenance of the alarm and suppression system, if fitted. As a minimum, servicing of the alarm, suppression system, if fitted and extinguishers should be carried out annually, or on a six monthly basis if an L2 system. This record must be made available for inspection by the Council on demand.
20. The licence holder shall ensure that arrangements are in place for an appropriate person to be 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. Details shall be provided to the Council.
21. The licence holder shall ensure that the fire alarm system 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 licence holder or their nominated representative becoming aware of the fire.

Gas, Electrics, Carbon Monoxide and Furniture

22. If gas is supplied to the house, the licence holder shall submit to the Council the gas safety certificate obtained for the property within the last 12 months. This shall be from a contractor registered with Gas Safe Register and shall include each gas installation, appliance and flue provided by the licence holder within the property.
23. The licence holder shall keep all electrical appliances they provide in the property in a safe condition. On demand, the licence holder must supply the Council with a declaration by him as to the safety of such appliances.
24. The licence holder shall ensure that the electrical installation condition report for the property is renewed every five years as a minimum. All Code 1 and 2 works listed in the Defects and Suggestions sections are to be completed. On demand, the licence holder must supply the report to the Council.
25. On each occasion that the electrical circuits and/or installation are altered in any way, the licence holder must produce to the Council a further certificate from a suitably qualified electrician confirming the satisfactory condition of the circuits and/or installation.
26. Electrical installations providing power to the fire alarms or emergency lighting systems must not be supplied via token meters or via any occupier's metered supply.
27. A working carbon monoxide (CO) alarm must be provided in any room that is used wholly or partly as living accommodation and also contains any appliance which burns, or is capable of burning, solid fuel, mains gas or LPG (liquid petroleum gas) fuel.
28. The licence holder shall only supply furniture to the property that complies with the requirements of the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended). All such furniture should be kept in safe condition and good repair. The licence holder shall provide the Council with a declaration to this effect on demand.

Anti-social behaviour and Neighbourhood Cohesion

29. The licence holder shall take all reasonable and practicable steps to prevent or reduce anti-social behaviour by occupiers of or visitors to the property. This shall include:
 - a) Setting out in writing to each occupier what is meant by anti-social behaviour;
 - b) Explaining the impact of anti-social behaviour on others in the area;

- c) Recording details of all complaints received directly in respect of anti-social behaviour;
 - d) Invoking appropriate tenancy sanctions where necessary.
30. The licence holder shall ensure that the property is inspected on a regular basis to assess if there is evidence of anti-social behaviour or occupiers' non-compliance with relevant HMO Management Regulations. This should be at least quarterly, but more frequently if anti-social behaviour has been established or complaints have been received. Records should be kept of such inspections and any action taken.
31. The licence holder will provide the names of the current occupiers to the Council on demand and will co-operate with the Council in order to eradicate problems relating to anti-social behaviour or issues affecting neighbours. The licence holder will, on request, demonstrate that they have taken reasonable and practicable steps to manage the problem including evidence of verbal or written warnings that they have issued.
32. Where the licence holder has reason to believe that criminal activity is taking place at the property, they must ensure that the appropriate authorities are informed.

Waste arrangements

33. The licence holder shall provide a general waste bin, recycling waste bin and waste food caddy to each kitchen area. An initial four-week supply of all relevant recycling and black bags shall be provided to new occupiers of the property.
34. The licence holder shall ensure that suitable and sufficient, lidded external storage facilities are provided for household waste and recycling pending disposal to prevent access to the waste by animals and birds. As a general guide, facilities shall be a minimum of 40 litres per occupier. A larger kerbside food waste caddy shall also be provided in the external storage area for the storage of full food bags from the kitchen caddy. These storage facilities will preferably be to the rear of the property, but siting and size of facilities may be agreed after discussion with the Council to suit each individual HMO.
35. The licence holder shall ensure that occupiers are aware of their responsibilities with regards to cleanliness of gardens, yards and forecourts.
36. The licence holder shall ensure that any building works, improvements and general maintenance are carried out with the minimum of disruption to the occupants, neighbours and wider community and that wherever possible, any waste arising from building works or improvements to the property does not accumulate in the curtilage of the property or near to it. Where such accumulations are unavoidable, they shall be removed as soon as reasonably practicable, to a licensed waste disposal facility.

- 37. No other waste, such as old furniture or appliances shall be allowed to accumulate in the curtilage of the property. If arrangements have been made for the removal of such items they should only be placed at the front of the property on the date of collection.
- 38. Any waste left by occupiers leaving the property shall be removed by the licence holder as soon as possible and prior to new occupiers occupying the property.
- 39. The gardens, forecourts and boundary walls/fences of the property shall be kept free from overgrowth, litter or other accumulations and maintained in a clean and tidy condition.

General

- 40. A copy of the licence currently in force in respect of the property shall be clearly displayed in a prominent position at the property.
- 41. The licence holder shall ensure that written details of the arrangements that are in place for dealing with emergency situations at or in connection with the property are provided to the occupiers of immediately adjacent properties. This should include names and telephone numbers.
- 42. The licence holder shall ensure that anyone involved with the management of the property is, to the best of their knowledge, a 'fit and proper person' for the purposes of the Housing Act 2004 and hold the appropriate Rent Smart Wales licence.
- 43. The licence holder shall ensure that anyone involved in the management of the property is fully aware of these licence conditions and the extent to which their involvement with the property allows the licence holder to comply with these conditions.
- 44. The licence holder shall attend any professional development and/or training course relating to matters covered by Approved Codes of Practice that the Council shall provide or recognise during the term of the licence.
- 45. The licence holder shall keep any records and certificates referred to in these licence conditions for the entire length of the licence and shall produce them to the Council on demand.

Signed
Martin Nicholls
Director

Limitations of the Licence

Licence transfer - This licence **cannot** be transferred to another person or organisation or property.

Registered Companies - If the licence holder is a registered company and it is dissolved whilst the licence is in force, the licence ceases to be in force on the date of dissolution.

Death of Licence holder - If the licence holder dies whilst the licence is in force, the licence ceases to be in force on his death.

Property Condition - This licence is **not** proof or evidence that the house is safe and free from hazards and defects. The licence does not prevent criminal or civil legal action being taken against the licence holder, or anyone else with an interest in the property, if any hazards or nuisances are found or any other problems discovered in relation to the condition of the property.

Building Control - This licence does **not** grant any Building Control approvals, consent or permissions, retrospectively or otherwise. This licence does not offer any protection or excuse against any enforcement action taken by the Building Control Division.

Planning Permission - This licence does **not** grant any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise. You should check that the correct planning permissions are in place. This licence does not offer any protection or excuse against any enforcement action taken by Planning Enforcement Officers. If you are unclear on the matters outlined above, you should seek professional planning advice.

Please note - It is your responsibility to ensure that you have any other necessary permissions or consents in place to enable the property to be used as a house in multiple occupation. The granting of a licence does not override any other private or public law provisions in this respect.

**SWANSEA COUNCIL
HMO LICENCE
DECLARATION OF UNDERSTANDING**

PREMISES

FIRE PRECAUTIONS

The use and purpose of the fire precaution facilities as set out below have been explained to me and I understand them:

1. The fire alarm
2. The means of escape
3. Protection of the escape route and keeping it free from obstruction
4. The importance of fire doors
5. Fire-fighting equipment

WASTE MANAGEMENT

The arrangements for waste storage, collection and recycling have been explained to me as set out below and I understand them:

1. Non-recycling waste to be placed for collection in black refuse bags.
2. Waste recycling requirements specified by the Council will be met.
3. Refuse & recycling bags & food waste bin must be placed at the kerbside in front of the property no earlier than 7.00 pm the night before collection.
4. No refuse bags or any other type of waste must accumulate in the garden or yard before collection. They must be stored correctly in the bins or other storage area provided by the landlord.
5. Only normal household waste may be disposed of within a refuse or recycling bag. Sharp objects must always be wrapped. Oil, grease, asbestos, clinical waste, building waste or garden waste must not be disposed of in this manner. The contact telephone number for any queries is 01792 635600.

ANTI-SOCIAL BEHAVIOUR

The requirements relating to anti-social behaviour as set out below have been explained to me and I understand them:

1. What may constitute anti-social behaviour
2. The impact of anti-social behaviour on other people
3. The standard of behaviour expected
4. The consequence of anti-social behaviour
5. The possible consequences in terms of my tenancy agreement.

THE MANAGEMENT OF HOUSES IN MULTIPLE OCCUPATION (WALES) REGULATIONS 2006 and THE LICENSING AND MANAGEMENT OF HOUSES IN MULTIPLE OCCUPATION (ADDITIONAL PROVISIONS) (WALES) REGULATIONS 2007

The duties of occupiers under Regulation 10 of these Regulations (Regulation 11 of the 2007 Regulations for Section 257 HMOs) as set out below have been explained to me and I understand them:

1. Act in a way that will not hinder or frustrate the manager in the performance of the manager's duties
2. Allow the manager, for any purpose connected with the carrying out of any duty imposed on the manager by these Regulations, at all reasonable times to enter any living accommodation or other place occupied by me
3. Provide the manager, at the manager's request, with any such information as the manager may reasonably require for the purpose of carrying out any such duty
4. Take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under these Regulations
5. Store and dispose of litter in accordance with the arrangements made by the manager
6. 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.

I have read and understood the Declaration of Understanding in relation to Fire Precautions, Waste Management, Anti-Social Behaviour and the Management Regulations summary.

I understand that if I fail to comply with these, I may be committing an offence for which I may be prosecuted.

I understand that the Licence holder of this property may have to provide a copy of this document, including my details below, to Swansea Council as required under the conditions of the HMO licence for the property. My details will only be used in connection with the enforcement of legislation and conditions relating to the letting of this property as a licensable house in multiple occupation.

| OCCUPIER | | | LICENCE HOLDER |
|------------------|------------------|-------------|-----------------------------|
| Full Name | Signature | Date | Signature & Date |
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