

Licensing Conditions

Under Section 65 of the Housing Act 2004 Part 2, in order for a HMO to be considered suitable for multiple occupation it must meet minimum prescribed standards.

Section 65 (2) of the Housing Act 2004 gives the local housing authority power to set higher local standards over and above what are the prescribed standards set by legislation.

Where an application in respect of a HMO is made to the local authority, the authority need to be satisfied that the following matters are satisfactory in order to grant a license:

- House is reasonably suitable for occupation by the maximum number of households or persons if it meets prescribed standards.
- That the authority must have regards to any offences as defined in the Act when considering if the proposed license holder and/or manager is fit and proper.
- Proposed management arrangement for the house are otherwise satisfactory

These standard licensing conditions were adopted for the mandatory licensing scheme following approval by Cabinet on the 26th September 2006 then the same standard were adopted for the additional licensing scheme approved by Cabinet in September 2009.

It was deemed necessary to review and update these standards which had been in existence in their current form for nearly eight years, outlined below is a summary of the changes made to the current conditions and the proposed new standards to be adopted for the proposed additional scheme and our current mandatory scheme.

Summary of Changes to Licensing Conditions

The Adopted Minimum Licensing Standards for HMOs and the Additional/Mandatory Licensing Conditions combined in order to simplify our requirements and ensure consistency.

These Conditions have been aligned with other Corporate Policies, e.g. SPG 1 to take into account the space standards within the dwelling.

These Conditions now reflect more clearly the requirements detailed in the Housing Health and Safety Rating Scheme (HHSRS) Operating Guidance, e.g. the layout and design of kitchens and bathrooms, and the provision of space heating.

Further clarification have been provided in the new proposal Conditions on points which have been raised by current Licensee's, e.g the requirements for space heating and in relation to carry out works to rectify recommendations by

the electrical inspections report, e.g. C1 - 'Danger Present' and C2 - 'Potentially Dangerous'.

We have reviewed other local authorities Licensing Conditions and have tried to reflect best practice by bench marking against these local authorities, e.g. the requirement to maintain a logbook of relevant documentation associated with the HMO

We have perused the HMO Standards from the following local authorities namely:- Plymouth City Council, Harrow Council, Brighton and Hove City Council, City and County of Swansea, Ynys Mon County Council, Manchester City Council, South Kirklees and County Durham Council.

PROPOSED ADOPTED MINIMUM LICENSING STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION

In accordance with Section 65, Part 2 of the Housing Act 2004, these are the Authority's Standards for deciding the suitability for occupation of a House in Multiple Occupation (HMO).

The licence holder/manager is required to comply with these Standards together with the Housing Health and Safety Rating System (HHSRS) Operating Guidance and 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.

Certain HMOs will require planning consent depending on the number of residents and the nature of the works carried out to convert the property. You are therefore advised to contact the Authority's Planning Department prior to carrying out any improvement works to meet these Standards.

If the property is deemed unsuitable for the number of occupiers occupying the property at the time of the licence application, the Authority may require work to be carried out to comply with the Standards and/or impose restrictions or prohibition on the use or occupation of particular parts of the HMO.

In all cases, properties will be required to meet minimum levels of safety and repair and comply with Building Regulations.

If you are in any doubt about any of these Standards, please contact the Public Protection (Environmental Health) Department of the Authority for clarification.

SPACE STANDARDS

These Standards detail three types of premises, namely bedsit rooms, self-contained flats and shared accommodation.

Reductions to the specified standard may be treated as meeting the standard where the Authority considers the room adequately meets the occupier's needs, that the reduction in size is not more than 5% of the full floor standard.

The location/absence of internal obstructions such as chimney breasts will be a key factor in deciding whether a room of lower floor area is acceptable.

All standards for floor space apply whatever the age of the occupants. The obligate sharing of rooms by persons of the opposite sex over the age of 10 and who do not live as partners shall not be permitted

Room sizes must comply with the following standards:-

Bedsit Rooms and Self- Contained Flats

One room unit of accommodation with cooking, living and sleeping facilities:

One room for one person	14m ²
One room for 2 persons	20.5m ²

Two or more room units with cooking, living and sleeping facilities

Each single bedroom	6.5m ²
Each double bedroom	11m ²
Each living room, single person units	9m ²
Each living room, two person units	12m ²
Each living/kitchen, or living/bedroom, single person unit	11.5m ²
Each living/kitchen, or living/bedroom, two person unit	14m ²

Shared Accommodation	Number of Persons	Size
Bedroom (without separate living room)	1	To be decided by Team
Bedroom (without separate living room)	2	To be decided by Team
Bedroom (with separate living room)	1	To be decided by Team
Bedroom (with separate living room)	2	To be decided by Team

Living rooms and dining rooms	1-3	To be decided by Team
	4-6	To be decided by Team

Kitchens	1-3	To be decided by Team
	4	To be decided by Team
	5	To be decided by Team
	6	To be decided by Team

Kitchen (without living room)	4-6	To be decided by Team
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Do we need to include minimum gross internal floor areas in accordance with Denbighshire's SPG 1?

Property Size	Minimum Gross Internal Area (GIA) in Square Metres to the nearest Metre
1 bed	50
2 bed	65
3 bed	80
4 bed and more	100

Bathrooms and Separate Water Closet (WC) Compartment Standards

All bathrooms and separate WC compartments should be of an adequate size and layout. There must be sufficient functional space for the occupier to use the facilities provided.

NATURAL LIGHTING

All habitable rooms shall have an adequate level of natural lighting provided via a clear glazed window or windows and/or doors. The glazed area is to be equivalent to at least 1/10th of the floor area and to extend normally to a point 1.75m above floor level.

Basement rooms used as habitable rooms, kitchens, bathrooms and WC compartments should comply with above. Where this is not practicable, adequate artificial lighting shall be provided in accordance with Section 3.0 – Artificial Lighting.

All glazing to windows in bathrooms and WC compartments shall be of obscured glass.

All staircases, landings and passages shall be provided with an area of clear glazing in a window. Where this is not practicable, adequate artificial lighting shall be provided in accordance with Section 3.0 – Artificial Lighting.

ARTIFICIAL LIGHTING

All rooms and circulation areas within the property shall be adequately lighted by electricity.

Time switches will only be allowed to common landings, passages and staircases and should stay on for an adequate time to allow a person to climb the stairs, etc., and enter a room. There should be sufficient switches to operate the artificial lighting on each landing corridor or passage and each switch should allow adequate lengths of corridors, passages and stairways to be illuminated at the same time.

All lighting to the common parts must be provided, maintained and paid for by the landlord (or their agent). The supply shall be via a quarterly meter and not a card meter.

VENTILATION

All habitable rooms, kitchens, bathrooms and WC compartments require suitable and adequate floor to ceiling height to allow proper circulation of air and shall have a minimum floor to ceiling height of 2.14m, except in the case of existing underground and attic rooms, which shall have a minimum height of 2.14m over an area of the floor equal to not less than three-quarters of the area of the room, measured on a plane 1.5m above the floor.

All habitable rooms shall be ventilated directly to the external air by a window which has an openable area not less than 1/20th of the floor area of the room. Neither an openable door giving access directly to the external air, nor a louvered opening in such a door will be acceptable for the purpose of this requirement.

All kitchens, bathrooms and WC compartments shall comply with above,

but where this is not practicable, suitably sited mechanical ventilation providing a minimum of three air changes per hour shall be provided. Such an installation shall be fitted with an overrun device for a minimum of 15 minutes and be operated from the lighting circuit of the room. For kitchens, mechanical ventilation providing one air change per hour will be deemed sufficient.

Basement rooms used as habitable rooms should be provided with natural ventilation direct to the external air. In addition, there should generally be an unobstructed space immediately outside the window opening which extends the entire width of the window or more and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights.

Suitable and sufficient permanent means of ventilation shall be provided and maintained in any room in which there is a gas heating appliance.

A suitable permanent means of ventilation in the form of a flue, airbrick, hit and miss ventilator or louvered window shall be provided in all kitchens, dining/kitchens, bathrooms, WC compartments and any other room containing either cooking and/or washing facilities

WATER SUPPLY

Each separate occupancy shall be provided with an adequate supply of hot and cold running water suitable for drinking and food preparation purposes.

The cold water supply to wash hand basins should normally be supplied from the rising main, or by such other means as are acceptable to the Water Authority.

The hot water supply must be of sufficient capacity, temperature and flow for any wash hand basin, bath or shower and be available at all times.

Hot water may be provided by any of the following methods:-

- a. Piped from storage and boiler, e.g. condensing boiler
- b. Immersion heater
- c. Fixed gas appliance, e.g. multipoint or combination boiler
- d. Instantaneous heaters (only to wash hand basins and electric showers) having a minimum rating of 6KW and 9KW respectively.

The cold and hot water supplies are to be sited over a sink or wash-hand basin.

A turn off valve should be provided in the rising main for each letting.

The water pressure to all fittings shall comply with the minimum requirements laid down by the relevant Water Authority at all times.

All water supplies shall, where necessary, be protected from frost damage.

PERSONAL WASHING FACILITIES

Each occupancy shall be provided with its own bath or shower in a separate room. Where this is not practicable, a readily accessible bath, of minimum dimensions 1700mm x 760mm, in a bathroom, or a shower of minimum dimensions 800mm x 800mm, in a suitable shower room with adequate drying and changing space shall be provided not more than one floor in distance from any user in the following ratios -

1 - 4 persons	At least 1 bathroom and 1 WC (the bathroom and WC may be combined). A wash hand basin is required in the bathroom and in separate WC if provided).
5 persons	1 bathroom AND 1 separate WC with WHB (but the WC and wash hand basin can be contained within a second bathroom).
6 – 10 persons	2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms).
11-15 persons	3 bathrooms AND 3 separate WCs with wash hand basins (but two of the WCs can be contained within 2 of the bathrooms).

A two course tiled splash back to the bath and wash hand basin are to be provided. All joints should have an adequate waterproof seal. Any shower cubicles provided should have fully tiled walls or be complete self-standing cubicles.

Baths and showers shall not be provided in kitchens and external WCs shall not be considered.

All bathrooms, shower rooms and separate WC compartments must be suitably and adequately heated and ventilated.

The walls and floor of any bathroom, shower room or separate WC compartments should be reasonably smooth, non-absorbent and capable of being easily cleaned.

A privacy lock must be provided to all bathrooms, shower rooms and separate WC compartments.

DRAINAGE

The HMO shall be provided with an effective system, both above and below ground for the drainage of foul, waste and surface water.

FACILITIES FOR STORAGE, PREPARATION AND COOKING OF FOOD AND FOR THE DISPOSAL OF WATER

Preferably each household shall have a kitchen for its own exclusive use. Where this is not practicable, a shared kitchen may be provided.

The design and layout of the shared kitchen and of the facilities provided must permit the safe storage and preparation of food and hot drinks and make it relatively easy to maintain clean and hygienic conditions.

Whether for the occupier's exclusive use or if it is shared, the kitchen must be equipped with the following, which must be fit for purpose and supplied in a sufficient quantity for the number of those sharing the facilities:-

Facility	Standard Required	Up to and including 5 Persons	6 – 10 Persons
Worktop or table for the preparation of food	Worktop or table should be securely fixed, of an impervious material and capable of being readily cleansed and maintained in a hygienic condition.	1000mm (length) x 500mm (depth)	Additional 500mm length per user
A sink with an adequate supply of cold and constant hot water supplied to each sink	A metal or ceramic sink which is fixed on a stable base, impervious and of minimum dimension 500mm x 600mm with a drainer. The sink should be provided with an adequate and wholesome (potable) supply of cold water and an adequate supply of constant hot water which is connected to the drainage system via a suitable trap	One sink unit with draining board	Two sink units (or double bowl sink with drainer)
Installation or equipment for the cooking of food	Single person use – two rings or hot plates together with either a grill or oven Multiple users – a cooker with three or four rings or hot plates together with grill and a full sized oven	One full size cooker	Two full size cookers

Cupboards for the storage of food or kitchen and cooking utensils	Single cupboard (wall or floor mounted) of minimum capacity 0.16m ³ . This excludes the space in a base unit below the sink)		Capacity to be increased proportionately for each additional occupant
Refrigerator with an adequate freezer compartment (or, where the freezer compartment is not adequate, provide a suitable separate freezer) The cold water supply to wash hand basins must be potable (drinking water quality).	A refrigerator with a minimum capacity of 0.15m ³	One standard sized combined refrigerator/freezer	Two standard sized combined refrigerator/freezer

Kitchen floors must be water resistant, impervious and easily cleansable. Kitchen walls adjacent to cookers, sinks and food preparation areas should be provided with impervious splash backs, and all joints shall be adequately sealed.

SPACE HEATING

Each unit of living accommodation in a HMO must be equipped with an adequate means of space heating. Heating must be safely and properly installed and maintained, and be provided with controls to allow the occupants to regulate the temperature.

The heating should be appropriate to the design, layout and construction, such that the whole of the dwelling can be adequately and efficiently heated.

Heating should be provided in every habitable room and bathroom. All appliances should be of a sufficient output so as to adequately heat the rooms they serve. The recommended room temperatures are 19 degrees centigrade generally, in all habitable rooms and bathrooms, regardless of the weather conditions.

The heating may be by means of:-

- (a) Central heating; OR
- (b) Gas heaters which are connected to a suitable flue and terminal outlet; OR
- (c) Oil heaters which are connected to a suitable flue and terminal outlet, OR
- (d) Electrical heaters which must be a fixed installation, OR
- (e) Solid fuel in the form of an authorized smokeless fuel or alternatively solid fuel burnt in a smokeless appliance.

If solid fuel is used, proper fuel storage facilities shall be provided outside the building in a readily accessible position for each unit of accommodation.

All heating appliances shall be fixed and positioned so as to direct heat towards the centre of the room.

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

ELECTRICITY SUPPLY

Electrical socket outlets shall be provided as follows:-

Kitchen / kitchen areas

A minimum two, two gang power sockets or four one gang sockets are to be provided and located above the work top for the use of portable appliances (in addition to those serving large kitchen appliances such as fridge, washing machine etc).

Electric cookers shall be provided with a dedicated cooker point outlet suitable for the rating of the cooker and which is positioned immediately adjacent to the work top, or a suitable gas point.

Living room

Two, two gang sockets or four one gang sockets.

Bedroom

One two gang socket or two one gang sockets

Bedroom / living room area

Where the living and bedroom areas are combined, three two gang sockets or six one gang sockets shall be provided.

In addition to the above, all habitable rooms which are provided with a fixed electrical heating appliance shall be provided with a dedicated socket outlet with a suitable fuse rating.

All electrical sockets shall be located in positions which permit their safe, convenient and proper use at all times, having regard to likely room layout. They shall not be positioned where vulnerable to damage, likely to be obstructed or where the resulting appliance cables are likely to pose a safety hazard.

Earth Bonding (kitchens / kitchen areas / bathrooms)

Where there is an increased risk of electric shock due to likely contact between substantial areas of the body and earth potential, these locations should be earth bonded in accordance with the current I.E.E. Regulations.

STORAGE & DISPOSAL OF REFUSE

The Authority requires that refuse is not allowed to accumulate in either individual rooms or common parts of the HMO.

Suitable refuse and recycling containers must be provided which are on a scale adequate to the requirements of the occupiers. This could be a storage cage, rented wheeled bin, or other container of a type acceptable by the Local Authority.

All containers should be situated on an external hard standing area with suitable and convenient access by occupants for cleansing of the area and removal of containers.

If there is no adequate space to store refuse within the boundaries of the house from week to week and no way of providing extra space, the licence holder/manager shall be required to make arrangements for additional collections.

The occupants must be informed in writing at the beginning of their tenancy on which days refuse and recycling collections take place. This information should also be permanently displayed in a prominent position within the HMO.

MEANS OF ESCAPE IN EVENT OF A FIRE/FIRE SAFETY STANDARDS

The property must be provided with an adequate means of escape from fire, together with adequate automatic fire detection and other fire precaution measures in accordance with the HHSRS Operating Guidance and the Local Government Regulation publication: Local Authorities Coordinators of Regulatory Services (LACORS) Housing - Fire Safety Guide.

The licence holder/manager must ensure that a fire risk assessment is carried out. This is a legal requirement, enforced by the Fire Authority, under the Regulatory Reform (Fire Safety) Order 2005.

Testing of Fire Alarms and Emergency Lighting

The licence holder/manager must provide a logbook of the testing of the fire alarm and emergency lighting for inspection by the Authority. The logbook will need to demonstrate that correct maintenance of the systems have been carried out which will include annual tests and periodic checks, in accordance with British Standard 5839 Part 6 and 1.

ENERGY EFFICIENCY

The fabric of the building must be of such design and construction as to prevent excessive heat loss and the occurrence of serious condensation problems.

The property should be adequately insulated, taking into account current recommendations for energy efficiency.

Adequate structural thermal insulation should be provided to the HMO. This would include a minimum 270mm of mineral wool insulation material in any loft or accessible eaves area, or equivalent insulation value if alternative material is used, for example, ridged insulation board.

The licence holder/manager must provide a copy of the most recent Energy Performance Certificate for the HMO, including the recommendation report with suggestions on how to reduce energy use and carbon dioxide emissions.

ANTI-SOCIAL BEHAVIOUR

The licence holder/manager has a duty to take reasonable steps to ensure that the occupiers and their visitors are not causing anti-social behaviour within the boundaries of the HMO.

Anti-social behaviour covers a wide range of problems and includes any behaviour that is capable of causing nuisance or annoyance to an individual(s) or the wider community. This type of behaviour can include:

- Harassment and intimidating behaviour
- Hate crime, for example racist or homophobic abuse
- Behaviour which creates alarm and fear
- Noisy neighbours and loud parties
- Problems associated with people supplying, dealing or using drugs
- People acting in a manner which is likely to cause distress or nuisance to others
- People being drunk and disorderly
- Vandalism, graffiti and other deliberate damage to property
- Rubbish or litter left lying around, abandoned cars etc

GAS SAFETY

If gas is supplied to the property, the licence holder/manager must provide the Authority with a copy of the current gas safety certificate(s) for the common parts and all rented parts of the property. The certificate(s) should state that the full gas installation covering the supply pipes, flues and gas appliances are safe for operation.

The annual inspection should be carried out by a Gas Safe registered engineer.

The licence holder/manager will ensure that a gas safety certificate of not more than twelve months old is produced to the Authority within seven days of a request being made.

The gas safety certificate(s) must be retained for at least two years following its issue.

Carbon Monoxide (CO) sensor alarms shall be installed in accordance with manufacturers instructions and located in all rooms containing gas, oil and solid fuel appliances.

ELECTRICAL SAFETY

All electrical appliances made available by the licence holder/manager must be in a safe condition.

The licence holder/manager must provide the Authority with a copy of a periodic inspection report based on Appendix 6 of British Standard 7671 which is used when carrying out routine periodic inspection and testing of existing electrical installations. The report must cover the entire installation.

The inspection must be carried out and certified by a qualified electrical engineer, which can include the Electrical Contractors Association (ECA), the National Inspection Council for Electrical Installation and Contracting (NICEIC), National Association of Professional Inspectors & Testers (NAPIT) or the Institute of Electrical Engineers (MIEE) to show that the installation is safe and satisfactory and has been commissioned within the last five years or as recommended by the engineer.

As a minimum requirement, the licence holder/manager must carry out all work required to rectify recommendations by the inspection report classified as C1 – ‘Danger Present’ and C2 – ‘Potentially Dangerous’.

FURNISHINGS

All upholstered furniture, whether new or secondhand, supplied by the landlord to tenants as part of their tenancy agreement for agreements must comply with the safety requirements of the Furniture and Furnishings (Fire)(Safety) Regulations 1988 (as amended) there are some exemptions.

Responsibility to comply with the Regulations rests with the licence holder/manager.

A fact sheet on your responsibility can be obtained from the Housing Enforcement Section Public Protection (Environmental Health) Department of the Authority. or the Trading Standards Section.

PROPERTY SECURITY

In order to assist crime prevention, the following security measures should be provided to the HMO:-

- A door entry system which could include any of the following:

Anti vandal analogue audio and/or video system

Anti vandal digital audio and/or video system

The entrance door of the premises should be fitted with a surface or flush mounted nightlatch lock release mechanism (e.g. Yale lock), or for a higher standard an electro magnetic lock.

The manager shall ensure that the system and locks are maintained in good repair and working order at all times.

Alternative proposals regarding door entry systems may be considered in certain circumstances.

- Glass situated close to the entrance door locking mechanism to be Georgian wired, toughened or laminated glass.
- External doors and frames are secure and fitted with a secure locking system
- Ground floor windows and other accessible windows are to be fitted with security locks.
- All entrances to the property should be well lit, especially ground floor/basement rooms and external staircases.

MAINTENANCE REQUIREMENTS

The licence holder/manager must ensure that the HMO is free from serious disrepair and be in a reasonable state of repair having a regard to its age, character and the locality in which it is situated.

LOGBOOK

A logbook should be kept and maintained for the property by the licence holder/manager and should contain up to date copies of the following:-

Copy of HMO Standards;

Gas safety certificate(s);

Fire alarm inspection/emergency lighting certificate(s);

Fire Risk Assessment;

Fire alarm and emergency lighting logbook;

Electrical system periodic inspection certificates;

Documentation relating to the safety of electrical appliances provided by the licence holder (including PAT testing);

Energy Performance Certificates;

Anti-social behaviour procedures for the premises;

The logbook should be made available to the Local Authority within seven days of such a request being made.

DISPLAY OF LICENCE AND RELEVANT INFORMATION

A copy of the licence shall be clearly displayed in a prominent position in the communal hallway of the property.

A notice containing the name and address of the licence holder and/or manager which includes an emergency contact number must also be displayed in the communal hallway of the property. Ensure that any necessary amendments are made to this notice.

The above should be ideally protected with a perspex cover or similar material.

TRAINING REQUIREMENTS

The licence holder/manager must be accredited through the Landlord Accreditation Wales or an equivalent recognised Accreditation Scheme and complete further training to comply with those schemes continuous development. Attendance at Landlord Forums can also contribute towards continued developments

GENERAL

The number of persons and households residing at the property shall not exceed the maximum number stated on the licence.

The use and level of occupancy of each room shall not be changed without the approval of the Authority.

Any material change of circumstances in respect of the licence holder, manager or anyone else involved with the property or its management must be notified to the Authority within seven days of such a change occurring.

FURTHER INFORMATION

If you require any further information or wish to view this document in another language or format, please contact:-

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