

TORBAY COUNCIL

SCHEDULE OF CONDITIONS ATTACHED TO HMO LICENCE FOR Auto Fill

The following licence scheme conditions apply both to the licence holder and to any manager who has accepted responsibility under the licence:

Gas Safety	
1	Conditions requiring the licence holder, if gas is supplied to the house, to produce to the local housing authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.
1.1	Within 14 days of a gas safety certificate being carried out it must be provided to the Council at Housing.Private.Sec@torbay.gov.uk or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
1.2	When a demand is made for evidence of gas safety it must take the form of a Gas Safety Certificate, and it must be provided within 14 days to the Council at Housing.Private.Sec@torbay.gov.uk or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
Electrical Safety	
2	The licence holder must keep electrical appliances supplied by him in a safe condition. A declaration as to the safe condition of the appliances must be supplied to the Local Authority on demand.
2.1	When a demand is made for evidence of appliance safety it must take the form of a Portable Appliance Testing Certificate (PAT), and it must be provided within 14 days. of the PAT being carried out and cover the licensed period stated in the demand. It should be sent to; Housing.Private.Sec@torbay.gov.uk or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
3	The licence holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use by producing a satisfactory Electrical Installation Condition Report (EICR) in accordance with The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. A declaration as to the safe condition of the installation must be supplied to the Local Authority on demand and a copy of the report must be provided upon expiration of any previous reports.
3.1	Within 14 days of an Electrical Installation Condition Report (EICR) certificate being carried out it must be provided to the Council at Housing.Private.Sec@torbay.gov.uk or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
3.2	When a demand is made for evidence of electrical safety it must take the form of an Electrical Installation Condition Report (EICR), and it must be provided within 14 days of the EICR being carried out and cover the licensed period stated in the demand. It should be sent to; Housing.Private.Sec@torbay.gov.uk or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
3.3	Where an Electrical Installation condition Report (EICR) has been submitted that is “unsatisfactory”, the licence holder has 28 days from the date on the report to complete the remedial works (C1, C2 and F1 failures) and send a “remedial minor works report” to Housing.Private.Sec@torbay.gov.uk or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
Furniture Safety	
4	All furniture provided as part of the tenancy must be in a safe condition. A declaration as to the safe condition of the furniture must be supplied to the Local Authority on demand.

4.1	When a demand is made for a declaration, it should be submitted within 14 days and cover the licensed period stated in the demand. It should be sent to; Housing.Private.Sec@torbay.gov.uk or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
Fire Safety	
5	The licence holder must ensure that smoke alarms are installed on each storey of the house on which there is a room used wholly or partly as living accommodation and to supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms.
5.1	A declaration as to the positioning of such alarms must be supplied to the Local Authority on demand. Within 14 days of the demand, annotated floor plans must be provided to the Local Authority at Housing.Private.Sec@torbay.gov.uk or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR. Note. a bathroom or lavatory is to be treated as a room used as living accommodation.
6	The licence holder must ensure that the smoke alarms are kept in proper working order and to supply the authority, on demand, with a declaration by him as to the condition and position of such alarms.
6.1	A declaration as to the proper working order of such alarms must be supplied to the Local Authority on demand. Within 14 days of a demand, the fire detection and alarm system certificate must be provided to the Local Authority at Housing.Private.Sec@torbay.gov.uk or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
6.2	Where emergency lighting is installed the licence holder must provide an annual certificate within 14 days of the demand. It should be sent to; Housing.Private.Sec@torbay.gov.uk or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
6.3	The licence holder must ensure all fire escape routes are kept clear at all times.
Carbon Monoxide	
7	The licence holder must ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker, to keep any such alarm in proper working order and to supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.
7.1	A declaration as to the positioning of such alarms and evidence of working order must be supplied to the Local Authority on demand. Within 14 days of the demand, annotated floor plans must be provided to the Local Authority at Housing.Private.Sec@torbay.gov.uk or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR. Note. a bathroom or lavatory is to be treated as a room used as living accommodation.
Tenancy	
8	Conditions requiring the licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.
8.1	The licence holder must retain the written statements of terms and evidence of providing the written statement of terms to the occupant throughout the occupiers' period of occupation and for a minimum of five months after the occupation has ceased. The licence Holder must provide the Council with the written statement of terms and evidence of the provision of the written statement of terms to the occupant within 14 days on demand. Within 14 days of the demand, the declaration must be provided to the Local Authority at Housing.Private.Sec@torbay.gov.uk or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
Waste Provisions	
9	The licence holder is to comply with any scheme which is provided by the local housing authority to the licence holder and which relates to the storage and disposal of household waste at the HMO pending collection.
9.1	Provide information about bulky waste and different collections to the tenants in writing, retain this throughout the occupant's period of occupation and a minimum of 5 months

	afterwards. Within 14 days of a demand, the information must be provided to the Local Authority at Housing.Private.Sec@torbay.gov.uk or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
Minimum Room Sizes	
10	<p>Conditions requiring the licence holder—</p> <p>(a) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;</p> <p>(b) to ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;</p> <p>(c) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;</p> <p>(d) to ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.</p> <p>Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this paragraph.</p>
11	<p>Conditions requiring the licence holder to ensure that—</p> <p>(a) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence;</p> <p>(b) where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence;</p> <p>(c) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified.</p> <p>Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this paragraph.</p>
12	Local housing authorities will continue to have discretion to set their own higher standards within licence conditions but must not set lower standards. The standards Torbay Council has adopted can be found within the Devon Wide Guidance House in Multiple Occupation (HMO) Standards. You must comply with these standards.
Anti Social Behaviour	
13	Anti-social behaviour outside the building which is not involving tenants of the HMO shall be notified to the Council direct to 01803 208025 by the Licence holder or Manager.
14	The licence holder must address problems of anti-social behaviour within building or within the property boundary of the HMO resulting from the occupiers or their visitors by following the procedure set out below:
14.1	The licence holder must cooperate with the Council, the Police Service and any other agencies in resolving complaints of anti-social behaviour.
14.2	If a complaint is received, or anti-social behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed in writing of the allegations made against them and of the consequences of its continuation.
14.3	The licence holder shall monitor any allegations of anti-social behaviour for a period of 28 days, from the date the complaint was received.
14.4	If after 28 days, it is found that the anti-social behaviour is continuing the licence holder must visit the premises within 7 days and provide the tenant with a warning letter advising them of the possibility of eviction if their behaviour continues.

14.5	If after 14 days of giving a warning letter, the tenant has not taken steps to address the anti-social behaviour and it is continuing, the licence holder shall take action, which may include legal eviction proceedings.
14.6	The licence holder must ensure that written notes are kept of any meetings, telephone conversations or investigations regarding anti-social behaviour for 3 years, and if requested by the Council, provide this information within 28 days on demand.
14.7	Any letters, relating to antisocial behaviour, sent or received by the licence holder must be kept for 3 years by the licence holder and if requested by the Council, provide copies of them within 28 days on demand.
Displaying Information	
15	Within the common parts of the premises there must be clearly displayed:
15.1	A copy of the licence (indicating where the licence conditions may be viewed)
15.2	A copy of the current Gas Safety Certificate
15.3	The name, address, and telephone number (including a telephone number in the event of an emergency, if different) of the licensee or manager of the premises
15.4	A copy of the current buildings, contents and public liability insurance policy relevant to the HMO.
Management Regulations	
16	The licensed premises will be maintained in compliance with all current HMO regulations. The Management of Houses in Multiple Occupation (England) Regulations 2006
Occupancy	
17	This assumes that the occupancy level of each room, total occupants and maximum number of households is detailed within the licence. The licence holder shall ensure that:
17.1	The total number of occupants does not exceed that stipulated in the licence.
17.2	The total number of households does not exceed that stipulated in the licence.
17.3	Where there are multiple occupants in a room, the occupants should be from 1 household unless the licence states otherwise.
17.4	The occupancy of any particular room does not exceed the occupancy limit specified in the licence.

Specific conditions required to make this property suitable for occupation for the number of occupants and households for which the premises is licensed:

Condition no.	Condition	To be completed by: