

THE FOLLOWING CONDITIONS SHALL APPLY ONLY TO FLATS OR PARTS OF THE BUILDING WHERE THE LICENCE HOLDER CAN REASONABLY BE ABLE TO EXERCISE CONTROL

# Schedule 1

## Statutory Conditions

### 1) Maximum Permitted Occupancy

The licence holder shall ensure that, in relation to each self-contained flat which the licence holder exercises control, or over which it would be reasonable to expect that they would exercise control, none shall be occupied by more than three or more people forming two households without a HMO licence for that self-contained flat.

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Schedule 4, paragraph 1A(2)(3)(6) of the Housing Act 2004.

### 2) Written Terms of Occupancy

Supply the occupiers of each flat, over which the licence holder is in control of, on commencement of their occupancy, with a written statement of the terms in which they occupy the flat. The licence holder must, on demand, provide the council with a copy of the written statement, within seven days of receiving such demand.

**Compliance:** This must be complied with from the day the licence comes into force and whenever there is a change of occupants.

**Legislative authority:** Schedule 4, paragraph 1(5) of the Housing Act 2004.

### 3) Smoke Alarms

- I. The licence holder must provide and install a Grade A: LD2 coverage fire detection and alarm system in the common areas and an interlinked heat detector in each flat in the room/lobby opening onto the communal escape route, keeping such alarm system in proper working order.
- II. In relation to each flat over which they are in control, the licence holder must provide and install a Grade D: LD3 coverage fire detection and alarm system, keeping such alarm system in proper working order. This system must be standalone and non-interlinked to the Grade A: LD2 communal system.

The licence holder must supply to the council, on demand, a declaration by them as to the condition and positioning of such alarms, within seven days of receiving such demand.

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Schedule 4, paragraph 1(4)(za)(b) of the Housing Act 2004.

#### 4) Portable Appliance Test Certificate

Keep all electrical appliances made available to the occupiers of each flat, over which the licence holder is in control of, in a safe condition. If an appliance is more than twelve months old, obtain for that appliance a Portable Appliance Test (PAT) certificate issued by a competent person. The licence holder must, on demand, provide the council with a copy of the PAT certificate, within seven days of receiving such demand.

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Schedule 4, paragraph 1(3)(a)(b) of the Housing Act 2004.

#### 5) Landlord's Electrical Installation Condition Report

Every electrical installation<sup>1</sup> in the building, over which the licence holder exercises control, or over which it would be reasonable to expect that they would exercise control must be in proper working order and safe for continued use. The licence holder must, on demand, provide the council with a declaration by them as to the safety of such installations, within seven days of receiving such demand.

<sup>1</sup>Electrical installation has the meaning given in regulation 2(1) of the Building Regulations 2010.

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Schedule 4, paragraph 1(3)(c) of the Housing Act 2004.

#### 6) Landlord's Gas Safety Certificate

If gas is supplied to the building, or any flat over which the licence holder exercises control, the licence holder must send to the council annually, and on demand, for inspection a gas safety certificate obtained in respect of the house within the last 12 months and issued by a recognised engineer approved under Regulation 3 of the Gas Safety (Installation and Use) Regulations 1998. Where requested on demand, the certificate must be produced to the council within seven days of receiving such demand.

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Schedule 4, paragraph 2 of the Housing Act 2004.

#### 7) Furniture and Furnishings

The licence holder must keep furniture made available by them to the occupiers of each flat, over which the licence holder is in control of, in a safe condition and ensure that all furniture and furnishings made available comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1998 (as amended 1989, 1993 and 2010). The licence holder must, on demand, provide the council with a declaration as to the safety of such furniture, within seven days of receiving such demand.

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Schedule 4, paragraph 1(3)(a)(b) of the Housing Act 2004.

## 8) Fire Notices

Provide a notice about what to do in the event of a fire. The notice which shall be located adjacent to the Notice containing the name, address and telephone contact number of the licence holder, or person who manages the building.

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Section 67(1)(a) of the Housing Act 2004.

## 9) Carbon Monoxide Detection

A carbon monoxide alarm must be installed in any room of each flat, over which the licence holder is in control of which is used wholly or partly as living accommodation<sup>1</sup> and contains a fixed combustion appliance other than a gas cooker and keep any such alarm in proper working order. The licence holder must supply to the council, on demand, a declaration by them as to the condition and positioning of such alarms, within seven days of receiving such demand.

*<sup>1</sup>A hall or landing and a bathroom or lavatory are to be treated as a room used as living accommodation.*

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Schedule 4, paragraph 1(4)(a)(b)(c) of the Housing Act 2004.

## 10) Bedroom sizes

The licence holder must, in relation to each flat over which they are in control:

- i. Ensure that the floor area of any room in the HMO used as sleeping accommodation<sup>1</sup> by one person aged over 10 years is not less than 6.51 square metres\*.
- i. Ensure that the floor area of any room in the HMO used as sleeping accommodation<sup>1</sup> by two persons aged over 10 years is not less than 10.22 square metres\*.
- ii. Ensure that the floor area of any room in the HMO used as sleeping accommodation<sup>1</sup> by one person aged under 10 years is not less than 4.64 square metres\*.
- iii. Ensure that any room in the HMO with a floor area of less than 4.64 square metres\* is not used as sleeping accommodation<sup>1</sup>.
- iv. Notify the council of any room in the HMO with a floor area of less than 4.64 square metres\*.
- v. Ensure that where any room in the HMO is used as sleeping accommodation<sup>1</sup> 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.
- vi. Ensure that where any room in the HMO is used as sleeping accommodation<sup>1</sup> 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.
- vii. Ensure that where any room in the HMO is used as sleeping accommodation<sup>1</sup> 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.

*\*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 considered in determining the floor area of that room.*

*<sup>1</sup>A room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes.*

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Schedule 4, paragraph 1A(2)(3)(6) of the Housing Act 2004.

## 11) Waste Management

- I. If a private or commercial waste collection service is not provided for the building, the licence holder shall continuously provide and maintain not less than the following number of Coventry City Council branded wheelie bins; irrespective of loss, damage, theft or fire, for each flat over which they have control (or an equivalent volume if using larger waste receptacles):

Number of occupants	of 240 litre green-lid bins	240 litre blue-lid recycling bins
3-5	1 or 2*	1
6-10	2 or 4*	2
11-15	3 or 6*	3
15-20	4 or 8*	4

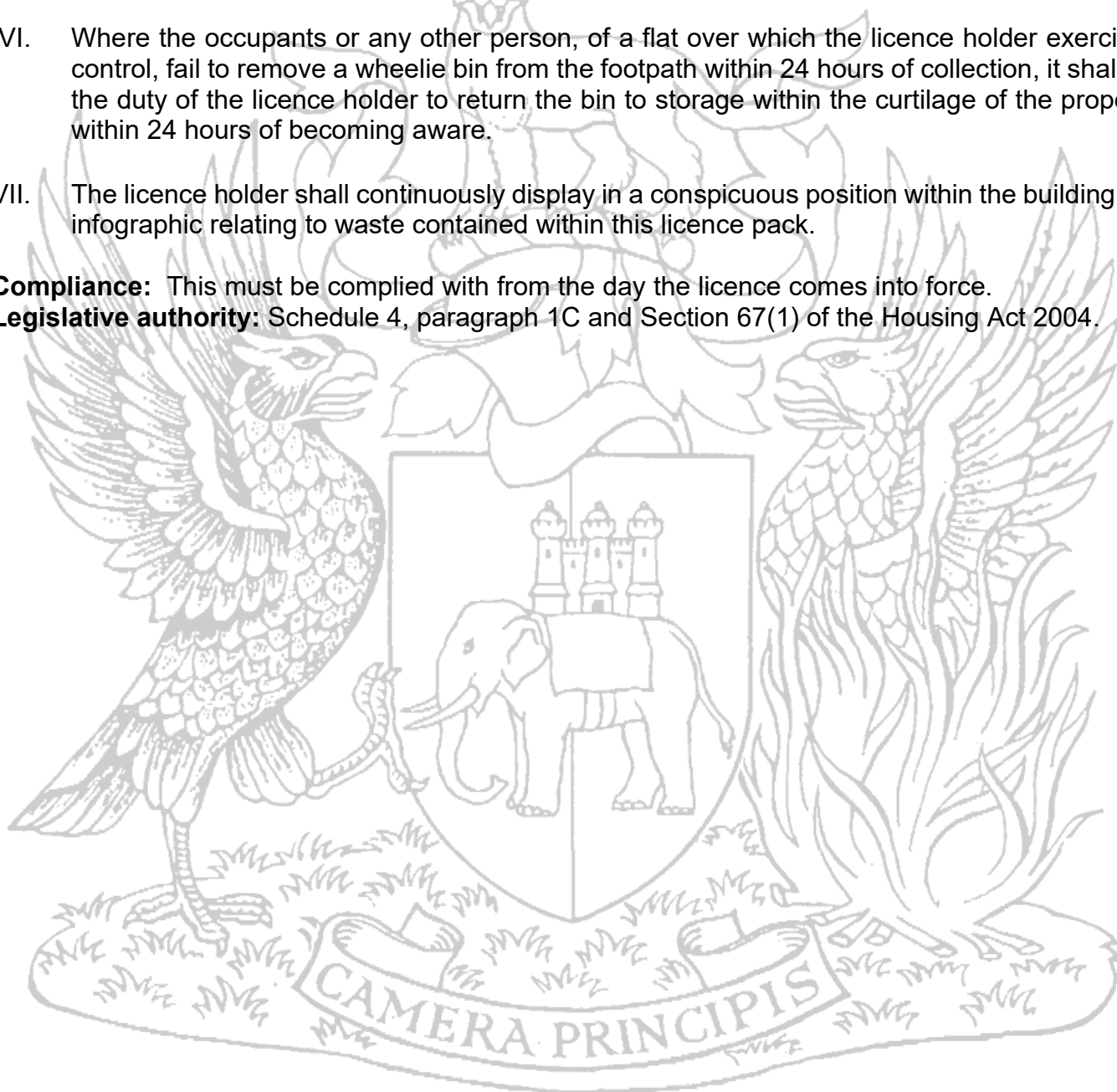
\*If the blue lid recycling bin has been confiscated by Coventry City Council.

- I. The licence holder shall ensure that wheelie bins are maintained in good working order with a secure lid. The licence holder shall arrange for a repair to be undertaken by Coventry City Council within five working days of being made aware of any wheelie bin damage or missing lid, irrespective of liability for the damage.
- II. The licence holder shall continuously supply and maintain two 50 litre kitchen bins within each flat over which they exercise control, irrespective of loss, theft or damage. One shall be labelled as “non-recyclable waste”, and the other as “recycling”.
- III. The licence holder shall make written arrangements for the storage and disposal of waste from the building. Copies of such arrangements are to be supplied to the Council within seven days of demand. These arrangements will set out rules relating to:
- The sorting of waste into recyclable and non-recyclable types
  - Placing the wheelie bin for collection on the footpath not more than 24 hours before collection, and removal from the footpath and storage within the curtilage of the property not more than 24 hours after collection
  - The necessity to decontaminate the recycling bin if it has been rejected for emptying
  - Making the licence holder or manager aware of excess side waste so that they may make further arrangements to dispose of the waste.
  - The services provided by Coventry City Council or licensed private waste carriers relating to excess waste or bulky waste.

- IV. Where the occupants of a flat over which the licence holder exercises control, do not place wheelie bins for collection by 7am on the correct day, the licence holder shall make further arrangements for the collection and disposal of excess waste from the property that cannot fit in the appropriate bin with the lid down.
- V. Where the occupants or any other person contaminate the recycling bins of a flat over which the licence holder exercises control, causing them to be rejected for emptying. It shall be the licence holder's duty to decontaminate the recycling bin within seven days of becoming aware if the occupants fail to abide by their tenancy agreement condition.
- VI. Where the occupants or any other person, of a flat over which the licence holder exercises control, fail to remove a wheelie bin from the footpath within 24 hours of collection, it shall be the duty of the licence holder to return the bin to storage within the curtilage of the property within 24 hours of becoming aware.
- VII. The licence holder shall continuously display in a conspicuous position within the building the infographic relating to waste contained within this licence pack.

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Schedule 4, paragraph 1C and Section 67(1) of the Housing Act 2004.



# Schedule 2A

## Standard Discretionary Conditions

### 1) Restrictions and Prohibitions

The licence holder must not permit a flat over which they have control to be used by a number of persons sleeping in contravention of section 324, 325 or 326 of the Housing Act 1985. The licence holder must comply with any direction issued by the Council restricting or prohibiting the use or occupation of any particular part or parts of the building by persons occupying it.

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Schedule 4, Section 67 and 72 of the Housing Act 2004.

### 2) Inventory of House Contents and Statement of Condition

The licence holder must supply the occupiers of a flat over which they have control, on the commencement of their occupancy, with a written inventory of the contents of the flat, and a written statement of the condition of each room and its fittings. The licence holder must, on demand, provide the council with a copy of the inventory and condition report, within seven days of receiving such demand.

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Section 67(1) of the Housing Act 2004.

### 3) Manager's Details

The licence holder must display, in a prominent position within the communal parts of the building, a notice containing their name, address and telephone contact number, or such details of the person who manages the building.

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Section 67(1) of the Housing Act 2004.

### 4) Display a Copy of the Licence

The licence holder must continuously display a copy of the HMO licence in the communal parts of the building. It shall be located adjacent to the Notice containing the name, address and telephone contact number of the licence holder or person who manages the building.

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Section 67(1) of the Housing Act 2004.

## 5) Changes Within the House

The licence holder must notify the Property licensing & housing enforcement team in writing of any change in the building (apart from the change of occupants) that has or is likely to affect the operation or management of the HMO. This notification must be received within seven days of any such change.

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Section 67(1) of the Housing Act 2004.

## 6) Changes to Personal Circumstances

So far as is as reasonable to expect, the licence holder must notify the Property Licensing & Housing Enforcement team in writing of any change to the circumstances of each relevant person (except any mortgage provider) named on the licence application form if the new circumstances are likely to affect the ability of such a person to carry out any function concerning the operation or management of the HMO. This notification must be received within seven days of any such change.

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Section 67(1) of the Housing Act 2004.

## 7) Changes to Address Details

So far as is as reasonable to expect, the licence holder must notify the Property Licensing & Housing Enforcement team in writing of any change to the address or contact details of each relevant person (except any mortgage provider) named on the licence application form. This notification must be received within seven days of any such change.

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Section 67(1) of the Housing Act 2004.

## 8) HMO Exterior

So far as is as reasonable to expect, the licence holder shall maintain the exterior condition of the HMO in good order, ensuring that among other things:

- External paint on walls, doors, window frames and railings is kept in good decorative repair and order
- Walls, windows panes, frames and sills are in a clean state, free of dust and detritus
- Walls and boundary walls or fences are free of graffiti
- Spalling bricks are removed and replaced like for like
- Disused or obsolete satellite television dishes and other telecommunication cables are removed
- Weeds and grasses abutting the boundary of, and on the property are treated using herbicide and/or removed
- Hedges, trees and plants do not encroach onto footpaths so as to cause or likely to cause obstruction or annoyance

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Section 67(1) of the Housing Act 2004.

## 9) Anti-Social Behaviour

- I. The licence holder shall manage and combat the behaviour and conduct of occupiers and any visitor to a flat over which the licence holder exercises control, and its immediate vicinity, so as they do not cause or are not likely to cause a nuisance, annoyance, harassment, alarm, distress, physical or mental ill-health to any person residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises, by carrying out any instruction of West Midlands Police or Coventry City Council. The licence holder shall keep documentary evidence of compliance with the instructions of West Midlands Police or Coventry City Council and shall provide copies to the Council within seven days of demand.
- II. The licence holder shall manage and combat the behaviour or conduct of occupiers and any visitor to a flat over which the licence holder exercises control, which involves or is likely to involve the use of such premises for an unlawful purpose, activity, event or gathering, by carrying out any instruction of West Midlands Police or Coventry City Council. The licence holder shall keep documentary evidence of compliance with the instructions of West Midlands Police or Coventry City Council and shall provide copies to the Council within seven days of demand.
- III. Regarding any flat over which the licence holder exercises control if provided with contact details, the licence holder shall contact the complainant of ASB in writing within seven days, explaining what action they have taken to prevent and reduce the anti-social behaviour. The licence holder shall provide copies of the letter to the Council within seven days of demand.
- IV. The licence holder shall take reasonable and practicable steps to prevent ASB by producing a policy or guidance document for occupiers of any flat over which the licence holder exercises control outlining what conduct or behaviour is expected, and what is not acceptable. The licence holder shall provide copies of the document to the Council within seven days of demand.
- V. The licence holder shall take reasonable and practicable steps to reduce ASB by enforcing the terms and conditions of an occupation agreement of a flat over which the licence holder exercises control where such conditions are related to anti-social behaviour, including the repercussions for the breach of such terms or conditions, up to and including possession proceedings.
- VI. In the event of any behaviour or conduct which is defined as anti-social, regarding any flat over which the licence holder exercises control, the licence holder agrees to be contacted by phone at any time by West Midlands Police or Coventry City Council

**Compliance:** This must be complied with from the day the licence comes into force.

**Legislative authority:** Section 67(2)(b) of the Housing Act 2004.