

**Draft Version** – for consultation only

HOUSING ACT 2004  
Part 2

LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION



*This*

## Licence

will be granted under Section 64 of the Housing Act 2004 to

XXXXX  
of  
Town Hall  
St Aldate's  
Oxford  
Oxfordshire  
OX1 1BX

for the house at

123 SOME STREET  
in the City of Oxford

to be occupied as a House in Multiple Occupation by no more than  
**WORD (NUMBER)** people.

*This Licence remains in force until the **DATE**  
and is subject to the Conditions specified in the attachment which forms part  
of this document.*

Signature

HEAD OF SERVICE  
REGULATORY SERVICES AND COMMUNITY SAFETY  
OXFORD CITY COUNCIL

LICENCE REFERENCE NUMBER

## LICENCE CONDITIONS

Any failure to comply with these conditions may render the Licence Holder liable to prosecution and an unlimited fine upon conviction or a financial of up to £30,000 as an alternative to prosecution. Under the Housing Act 2004 Section 70(2)(a) the Licence may also be revoked.

Further information is provided in the “guidance and notes” section about the licence conditions, including template notices for you to display in the property / information to give to your tenants.

\*Indicates a mandatory condition prescribed by the Housing Act 2004.

Any reference to “on demand” means to provide, to the Council officer, the document within 14 days of the demand.

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### Permitted Occupation

#### 1 NUMBER OF OCCUPANTS

The house may be occupied by no more than **xxwordxxx (number)** people.

#### 2 ROOM SIZES AND OCCUPANCY\*

The following minimum floor area requirements apply to rooms being used as sleeping accommodation:

*In HMOs with sufficient communal living space provided in accordance with Oxford City Council's Amenities and Facilities Guide:*

- 4.64 square metres for one (1) person aged under ten (10) years;
- 6.51 square metres for one (1) person aged over ten (10) years;
- 10.22 square metres for two (2) persons aged over ten (10) years.

*In HMOs without sufficient communal living space provided in accordance with Oxford City Council's Amenities and Facilities Guide:*

- 8.5 square metres for one (1) person regardless of age;
- 14 square metres for two (2) persons regardless of age.

Where the room contains kitchen facilities for the exclusive use of the occupant(s):

- 14 square metres for one (1) persons regardless of age;
- 18 square metres for two (2) persons regardless of age.

Rooms must not be occupied by a greater number of persons than what is prescribed in this condition.

The Licence Holder must notify the local housing authority in writing of any room in the HMO with a floor area of less than 4.64 square metres.

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 condition.

#### 3 NUMBER OF HOUSEHOLDS

The house may be occupied by no more than **xxwordxxx (number)** households. A

household is either a single person or members of the same family who live together. A family includes people who are:

- married or living together - including people in same-sex relationships
- relatives or half-relatives, e.g. grandparents, aunts, uncles, siblings
- step-parents and step-children

## **Gas Safety and Carbon Monoxide**

### **4. LANDLORD'S GAS SAFETY CERTIFICATE**

If gas is supplied to the house, each year obtain and submit to the Council a new landlord's gas safety certificate issued by a recognised engineer approved under Regulation 3 of the Gas Safety (Installation and Use) Regulations 1998\*.

A copy of the certificate must be displayed in the common parts of the property.

Ensure that a valid gas safety certificate is in place for the property for the duration of the licence (there should be no gaps in between certificate dates) and copies of all gas safety certificates obtained whilst the licence is in force must be kept by the Licence Holder for the duration of the licence and, on demand, supplied to the Council.

### **5. CARBON MONOXIDE ALARMS\***

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 solid fuel combustion appliance. A 'room' includes a hall or landing and 'living accommodation' includes a bathroom or toilet.

The Licence Holder must keep all alarms in proper working order and supply the Council, on demand, with a declaration by him as to the condition and positioning of any such alarm.

## **Electrical Safety**

### **6. ELECTRICAL SAFETY CERTIFICATE**

The Licence Holder must ensure that every electrical installation in the house is in proper working order and safe for continued use and supply, on demand, with a declaration as to the safety of such installations\*.

Ensure that an electrical condition report dated within the last five (5) years is submitted to the Council. If the current report expires during this licence, ensure the new report is submitted. A valid electrical condition report must be in place for the property for the duration of the licence (there should be no gaps in between certificate dates).

The report must detail the condition of the fixed electrical installation of the property, Carry out any remedial works identified on the report and submit evidence to the Council upon completion. The report must be issued in accordance with the latest edition of the BS7671 Regulations for Electrical Installations, as issued by the Institute of Electrical Engineers. The inspection, report and all electrical work must be undertaken by qualified electricians registered and assessed by a UKAS

accredited Certification Body to A1.2 of the IET Electrotechnical Assessment Scheme. The register of competent persons is available from:  
[www.competentperson.co.uk](http://www.competentperson.co.uk)

## 7. ELECTRICAL APPLIANCE SAFETY\*

Keep all electrical appliances made available to the occupants in a safe condition. On demand, the Licence Holder must submit to the Council a declaration by him as to the safety of such appliances.

## **Fire Safety**

### 8. SMOKE ALARMS\*

Ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation.

The Licence Holder must keep all alarms in proper working order and supply the Council, on demand, with a declaration by him as to the condition and positioning of any such alarm.

### 9. TEST CERTIFICATE/DECLARATION FOR SMOKE / HEAT DETECTORS & FIRE ALARMS

Please note, a system of smoke and heat detectors (alarms) is classed as a "fire alarm" system under the British Standards.

Ensure the fire alarm system (i.e. the smoke / heat detectors (alarms)) is tested at least annually and submit to the Council a certificate / declaration to confirm the fire alarm system in the property has been tested and maintained in accordance with the provisions of British Standard BS5839-6:2019. The certificate / declaration must be not more than one year old.

If the property has a 'Grade A' fire alarm system (typically larger alarm systems with a control panel) the Licence Holder must ensure that the system is:

- a) tested weekly; and
- b) inspected and serviced at periods not exceeding six months by a suitably qualified and competent person.

An inspection and servicing certificate issued in accordance with BS 5839-1:2019 must be provided biannually to the Council.

If the property has a 'Grade D1/D2' fire alarm system (i.e. mains-powered and interlinked detectors / alarms typically located in halls, landings and kitchens of low-risk two or three storey HMOs), the Licence Holder must ensure that all alarms are:

- a) tested monthly; and
- b) maintained in accordance with the manufacturer's instructions.

A self-declaration or an inspection / servicing certificate is acceptable for Grade D systems.

### 10. EMERGENCY LIGHTING

If emergency lighting is installed then ensure the system is tested at least annually and submit to the Council a certificate / declaration to confirm the emergency lighting system in the property has been tested and maintained in accordance with the provisions of British Standard BS 5266. The certificate must be not more than

one year old. Carry out any remedial works identified on the report and submit evidence to the Council upon completion.

The person issuing the certificate must be a competent person qualified to undertake such inspection and testing. The register of competent persons is available from: [www.competentperson.co.uk](http://www.competentperson.co.uk)

11. FURNITURE SAFETY\*

All furniture made available to the occupants of the house must be kept in a safe condition and must comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988. On demand, the Licence Holder must submit a declaration concerning the safety of the furniture to the Council.

12. FIRE NOTICES

Provide a notice informing occupants about what to do in the event of a fire. The notice shall be prominently displayed and located adjacent to the Notice containing the name, address and telephone contact number of the person who manages the house.

13 KEEP FIRE ESCAPE ROUTE CLEAR

Ensure that all fire escape routes are maintained clear of obstructions, storage and potential sources of ignition.

14 FIRE RISK ASSESSMENT

The Licence Holder must ensure a suitable and sufficient fire risk assessment which meets all requirements of the Regulatory Reform (Fire Safety) Order 2005 has been undertaken before the property is let. This must be reviewed regularly.

A copy of the fire risk assessment must be provided to the Council on demand.

**Tenancy Management**

15 WRITTEN TERMS OF OCCUPANCY

Supply the occupiers of the house / rooms, on commencement of their occupancy, with a written statement of the terms in which they occupy the house (i.e. a tenancy agreement). The Licence Holder must, on demand, provide the Council with a copy of the written statement\*.

The Licence Holder must make a copy of the tenancy agreement available before the house is let so that tenants can read it before being asked to sign. It also gives the tenants the opportunity to get independent advice before signing.

16 REFERENCES

The Licence Holder must ensure that references are requested from persons who wish to occupy the house and wherever possible, are obtained.

When referencing consideration must be given to the tenant's history, credit and right to rent checks.

The Licence Holder must, on demand, ensure that the Council is provided with a copy of any such references and records.

## 17 RENT RECEIPTS

The Licence Holder must ensure there is a record of all rent payments received in respect of the property. The record must cover the duration of the licence.

Where rent is paid in cash or cheque, the occupant(s) must be given a written receipt for the rental payment stating the date of payment, amount paid and the name of the person who collected the payment.

Where rent is paid via bacs, this will count as the record of rental payment.

The Licence Holder must, on demand, ensure that the Council is provided with a copy of rent payment records.

## 18 INVENTORY

The Licence Holder must ensure that an inventory is provided to the occupants. For separate tenancies or lodgers, this is limited to the occupant(s) exclusive room(s). For joint tenancies, an inventory for the whole house to be provided.

The Licence Holder must, on demand, ensure that the Authority is provided with a copy of the inventory/ies.

## 19 UTILITIES AND APPLIANCES

The Licence Holder must ensure that, where tenants are to pay the bills, they are provided with details of the utility provider and billing information within 14 days of occupation of the house.

The Licence Holder must ensure that the tenants are provided with a user manual or written instructions for the correct operation and setting of the fixed form of heating system in the property.

## **Waste disposal and refuse**

### 20 WASTE DISPOSAL AND RECYCLING REQUIREMENTS\*

Properties with blue / green bin collection :

Oxford City Council policy is to collect no greater quantity of domestic waste from refuse bins (green bins) than from recycling bins (blue bins). Oxford City Council will not collect recycling or refuse material unless correctly presented in a receptacle meeting the Council's specification.

Properties with sack collection or block of flats

Where a property has waste collection via sacks or is within a block of flats, then the Licence Holder must comply with the information on the council website [www.oxford.gov.uk/recycling](http://www.oxford.gov.uk/recycling)

All properties:

The Licence Holder must give new tenants information on disposing of all rubbish / recycling in an appropriate manner and at the appropriate time including:

- The collection days for the refuse and recycling
- Details on what they can and cannot recycle
- How they can dispose of bulky waste and the penalties for fly tipping

The Licence Holder must ensure suitable and adequate provision is made available at the start of a tenancy for storage of refuse generated in the house.

The Licence Holder must make supplementary arrangements for the disposal of refuse from the house as may be necessary.

The Licence Holder must ensure that at the end of each tenancy any rubbish or unwanted household goods left behind are removed and disposed of appropriately before the start of the next tenancy. In particular any rubbish or goods left in the front or back garden or the pavement in front of the property should be removed.

Where the tenancy agreement places responsibility on the tenants for garden maintenance, the Licence Holder must provide for garden waste collection by purchasing appropriate bins and payment of collection charge.

### **Property Management, Inspections and Emergency Arrangements**

#### 21 PROVISION OF CONTACT DETAILS TO TENANTS

The Licence Holder must display, in a prominent position within the house, a notice containing the name, address and telephone contact number of the person who manages the house.

The Licence Holder must provide to the tenants, in writing within 7 days of their occupation, details of who to contact to report repairs, including out of hours emergency contact details.

The Licence Holder must display in a prominent position within the house, a notice containing the name, address and telephone contact number of the person who manages the house.

#### 22 DIS-REPAIR / PESTS

The Licence Holder must ensure that, if they are informed, in writing, by email or other form of communication, about a complaint of disrepair or pest infestation in the property from the occupiers, the Council or a third party, they take action to investigate and if necessary remedy the disrepair and/or infestation within a reasonable period of time. The Licence Holder shall respond, preferably in writing to any such complaint, within 14 days of receipt of the complaint, stating what action they have or intend to take.

Where an emergency issue is reported (e.g. loss of heating, hot water, issues relating to security), it should be responded to within 24 hours. This includes undertaking a temporary measure before the full repair can be undertaken.

Where a pest problem is identified following a complaint, the Licence Holder must employ a suitably qualified pest control company to investigate the problem and undertake all action needed to remove pests (this includes baiting and any structural repairs to prevent pest access).

#### 23 PROPERTY INSPECTION

The Licence Holder must ensure that inspections of the house are carried out at least every six months to identify any problems relating to the condition and management of the house. The records of such inspections must be kept for the last year. As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection any issues found and actions(s) to be taken. Copies of these must be provided to the council within 28 days of demand. In the event that an inspection is not possible (e.g. pandemic situation) then it is acceptable for the Licence Holder to fulfil this in alternative ways (e.g. zoom call with tenants who show the house and landlord takes notes or written confirmation from tenants there are no problems).

## 24 EMERGENCY ARRANGEMENTS

Where the Licence Holder is out of the country for more than two weeks and for less than four weeks, there must be emergency arrangements in place for the tenants to be able to arrange emergency repairs. These arrangements must be provided to the tenant.

Where the Licence Holder is out of the country for more than four weeks at a time, there must be a named managing agent or alternative person who can arrange repairs. This person must be named on the application form and must be a “fit and proper” person. These arrangements must be provided to the tenant.

## **Energy Performance Certificate**

### 25 ENERGY PERFORMANCE CERTIFICATE (EPC)

Where an EPC is required for the HMO, on demand submit to the Council an energy performance certificate stating the property has a minimum energy efficiency standard of an E-rating. The person issuing the certificate must be an Approved Energy Assessor qualified to undertake such inspection and testing.

If the property is exempt from the Minimum Energy Efficiency Standard, on demand provide details of the registered exemption.

## **Notification of changes**

### 26 CHANGES TO CONTACT DETAILS

The Licence Holder must advise the HMO Customer Services Applications Team in writing of any permanent change to the address or contact details of each person (except any mortgage provider) named on the licence application form as soon as reasonably practicable.

### 27 CHANGES WITHIN THE HOUSE

The Licence Holder must advise the HMO Customer Services Applications Team in writing of any change in the house (apart from the change of occupants) that is likely to affect the operation or management of the HMO as soon as reasonably practicable.

### 28 CHANGES TO FIT AND PROPER PERSON STATUS



The Licence Holder must advise the HMO Customer Services Applications Team in writing of any changes to the Licence Holder, the Manager's or any associate's circumstances which could affect their fit and proper person status, i.e. any cautions or convictions for any offence involving fraud, dishonesty, violence, drugs, sexual offences (under Sexual Offences Act, schedule 3) discrimination or breach of housing or landlord / tenant law or convicted of a banning order offence or issued with a banning order. The Licence Holder to inform the Council within 14 days of becoming aware of the change to fit and proper person status.

## 29 SALE OF PROPERTY

Where the property is sold and the owner is the Licence Holder, the Licence Holder must request that the HMO licence is revoked. Licences cannot be transferred.

Where the property is sold and the Licence Holder remains the same (for example, the agent is the Licence Holder), then the Licence Holder must inform the HMO Customer Services Applications Team in writing with the new ownership details.

### **Property Specific Conditions – work required to the property to ensure it is suitable for the number of occupants or improve the condition and content**

Any conditions relating to work required will be listed here. If this section is left blank, then at the time the licence was granted there were no known issues. Work can be added at any time via a notice to vary the licence. This may be due to a complaint made or a routine inspection.

### **END OF LICENCE CONDITIONS**

## Guidance and Notes

This information is provided to assist the Licence Holder to understand his / her obligations and comply with the Licence Conditions.

### **Planning permission, including listed building consent, and Building Regulations**

The grant of an HMO licence does not give planning permission for use as a C4 HMO or sui generis HMO. It is the responsibility of the licence holder to ensure the property has the necessary planning permission for use as an HMO.

Where conditions require work to be undertaken, the licence holder must ensure that you seek the necessary approval from Building Control and Planning, including Listed Building Consent, prior to work commencing.

### **Further guidance / information**

The following appendices are provided to assist licence holders to understand their duties and comply with their duties:

1. Housing Act 2004 Schedule 5 – process and procedure for grant or refusal to grant licence
2. Reasons for licence conditions
3. Information from Oxfordshire Fire and Rescue on fire risk assessment
4. A “manager and emergency arrangements” notice for display
5. A “waste management” notice for display
6. Rent receipt template
7. A “fire action” notice for display

The government website <https://www.gov.uk/renting-out-a-property> contains information for landlords including:

- Landlord responsibilities
- Financial responsibilities (including tax and mortgage permissions)
- Repairs

The government website [https://www.gov.uk/housing-local-and-community/rented-housing-sector#guidance\\_and\\_regulation](https://www.gov.uk/housing-local-and-community/rented-housing-sector#guidance_and_regulation) contains information for landlords on:

- How to let guide
- Model tenancy agreement
- Understanding the possession action process
- Universal credit
- Landlord and tenants’ rights and responsibilities
- Housing Health and Safety Rating System guidance for landlords

### **Penalties for non –compliance with licence conditions**

Under the Housing Act 2004 s72(3) any failure to comply with these conditions may render the Licence Holder liable to prosecution and an unlimited fine upon conviction or a financial of up to £30,000 as an alternative to prosecution. Under the Housing Act 2004

Section 70(2)(a) the Licence may also be revoked. Appendix 1 provides notes from the Housing Act 2004.

Some conditions impose a duty on the Licence Holder which endures for the period of the Licence. Other conditions require a specific task or work to be done, which once completed, will discharge that obligation but the condition will remain as part of the Licence.

### **Relevant legislation**

Licence conditions are pursuant mainly to the following legislative authorities:

- Housing Act 2004 Section 67
- Schedule 4 of the Housing Act 2004
- The Management of Houses in Multiple Occupation (England) Regulations 2006 [SI 2006 No 372] or in the case of a Section 257 HMO then The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 [SI 2007 No 1903]
- The Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations 2006; Schedule 3 [SI 2006 No 373]

Further information regarding reasons for imposition of licence conditions is contained in Appendix 2.

### **Definitions**

Each Condition refers to the house named on the front page.

In these Conditions:

‘BS’ and ‘BS EN’ mean a British Standard as published by the British Standards Institution.

‘competent person’ or ‘competent’ means a person properly qualified and accredited by the appropriate authority to install and/or inspect, test and certify the equipment, facility or utility.

‘house’ means the dwelling or residential accommodation at the address identified above for which this licence has been granted.

‘HMO’ means House in Multiple Occupation as defined by the Housing Act 2004.

‘IEE regulations’ means the latest edition of the Wiring Regulations published by Institution of Electrical Engineers (BS 7671).

‘Licence Holder’ means the person to whom this licence has been granted.

‘obtain and submit to the Council’ means that the Licence Holder must obtain a certificate from a competent person and forward a copy of it to the Customer Services Applications team at St Aldate’s Chambers, 109-113 St Aldate’s, Oxford.

‘on demand’ means that the Licence Holder must provide the Customer Services Applications team or the named officer with a copy of the document if and when the Council requires it to be produced.

‘provide’ means that the Licence Holder must install the item mentioned as a fixture within the house and make its use freely available to the occupants of the house.

## **APPENDIX 1: HOUSING ACT 2004 - SCHEDULE 5.**

### **LICENCES UNDER PART 2 PROCEDURE AND APPEALS - GRANT OF LICENCES**

#### ***Requirements before grant of licence***

- 1 Before granting a licence, the local housing authority must-
  - (a) serve a notice under this paragraph, together with a copy of the proposed licence, on the applicant for the licence and each relevant person, and
  - (b) consider any representations made in accordance with the notice and not withdrawn.
- 2 The notice under paragraph 1 must state that the authority are proposing to grant the licence and set out-
  - (a) the reasons for granting the licence,
  - (b) the main terms of the licence, and
  - (c) the end of the consultation period.
- 3 (1) This paragraph applies if, having considered representations made in accordance with a notice under paragraph 1 or this paragraph, the local housing authority propose to grant a licence with modifications.
  - (2) Before granting the licence the authority must-
    - (a) serve a notice under this paragraph on the applicant for the licence and each relevant person, and
    - (b) consider any representations made in accordance with the notice and not withdrawn.
- 4 The notice under paragraph 3 must set out-
  - (a) the proposed modifications,
  - (b) the reasons for them, and
  - (c) the end of the consultation period.

#### ***Requirements following grant of licence***

- 7 (1) This paragraph applies where the local housing authority decide to grant a licence.
  - (2) The local housing authority must serve on the applicant for the licence (and, if different, the Licence Holder) and each relevant person-
    - (a) a copy of the licence, and
    - (b) a notice setting out-
      - (i) the reasons for deciding to grant the licence and the date on which the decision was made,
      - (ii) the right of appeal against the decision under Part 3 of this Schedule, and
      - (iii) the period within which an appeal may be made (see paragraph 33(1)).
  - (3) The documents required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.
- 8 (1) This paragraph applies where the local housing authority refuse to grant a licence.
  - (2) The local housing authority must serve on the applicant for the licence and each relevant person a notice setting out-
    - (a) the authority's decision not to grant the licence,
    - (b) the reasons for the decision and the date on which it was made,
    - (c) the right of appeal against the decision under Part 3 of this Schedule, and
    - (d) the period within which an appeal may be made (see paragraph 33(1)).
  - (3) The notices required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

#### ***Exceptions from requirements in relation to grant or refusal of licences***

- 9 The requirements of paragraph 3 (and those of paragraph 1) do not apply if the local housing authority-
  - (a) have already served a notice under paragraph 1 but not paragraph 3 in relation to the proposed licence, and
  - (b) consider that the modifications which are now being proposed are not material in any respect.
- 10 The requirements of paragraph 3 (and those of paragraph 1) do not apply if the local housing authority-
  - (a) have already served notices under paragraphs 1 and 3 in relation to the matter concerned, and

(b) consider that the further modifications which are now being proposed do not differ in any material respect from the modifications in relation to which a notice was last served under paragraph 3.

**Meaning of "the end of the consultation period"**

12 (1) In this Part of this Schedule "the end of the consultation period" means the last day for making representations in respect of the matter in question.

(2) The end of the consultation period must be-

(a) in the case of a notice under paragraph 1 or 5, a day which is at least 14 days after the date of service of the notice; and

(b) in the case of a notice under paragraph 3, a day which is at least 7 days after the date of service of the notice.

(3) In sub-paragraph (2) "the date of service" of a notice means, in a case where more than one notice is served, the date on which the last of the notices is served.

**Meaning of "licence" and "relevant person"**

13 (1) In this Part of this Schedule "licence" means a licence under Part 2 or 3 of this Act.

(2) In this Part of this Schedule "relevant person", in relation to a licence under Part 2 or 3 of this Act, means any person (other than a person excluded by sub-paragraph (3))

(a) who, to the knowledge of the local housing authority concerned, is-

(i) a person having an estate or interest in the HMO or Part 3 house in question, or

(ii) a person managing or having control of that HMO or Part 3 house (and not falling

within sub-paragraph (i)), or

(b) on whom any restriction or obligation is or is to be imposed by the licence in accordance with section 67(5) or 90(6).

(3) The persons excluded by this sub-paragraph are-

(a) the applicant for the licence and (if different) the Licence Holder, and

(b) any tenant under a lease with an unexpired term of 3 years or less.

**Right to appeal against refusal or grant of licence**

31 (1) The applicant or any relevant person may appeal to a First-Tier Tribunal (Property Chamber) against a decision by the local housing authority on an application for a licence-

(a) to refuse to grant the licence, or

(b) to grant the licence.

(2) An appeal under sub-paragraph (1)(b) may, in particular, relate to any of the terms of the licence.

**Time limits for appeals**

33 (1) Any appeal under paragraph 31 against a decision to grant, or (as the case may be) to refuse to grant, a licence must be made within the period of 28 days beginning with the date specified in the notice under paragraph 7 or 8 as the date on which the decision was made

(3) A First-Tier Tribunal (Property Chamber) may allow an appeal to be made to it after the end of the period mentioned in sub-paragraph (1) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time)

**Powers of First-Tier Tribunal (Property Chamber) hearing appeal**

34 (1) This paragraph applies to appeals to a First-Tier Tribunal (Property Chamber) under paragraph 31 or 32.

(2) An appeal-

(a) is to be by way of a re-hearing, but

(b) may be determined having regard to matters of which the authority were unaware.

(3) The tribunal may confirm, reverse or vary the decision of the local housing authority

(4) On an appeal under paragraph 31 the tribunal may direct the authority to grant a licence to the applicant for the licence on such terms as the tribunal may direct.

## APPENDIX 2: REASONS FOR LICENCE CONDITIONS

The following information is provided to explain the reasons for licence condition.

### NUMBER OF OCCUPANTS AND HOUSEHOLDS

When deciding whether to grant a licence, the Housing Act 2004 s64(3)(a) requires the authority to be satisfied that the house is reasonably suitable for occupation by not more than the maximum number of households or persons either specified in the application form or other maximum number decided by the authority.

### MANDATORY LICENCE CONDITIONS

The Housing Act 2004 s67(3) states that all licences include the conditions required by Schedule 4 of the Housing Act 2004. The authority has no discretion on these conditions. These licence conditions are denoted by the \* by the condition title or in the text.

### DISCRETIONARY LICENCE CONDITIONS

The Housing Act 2004 s67(1) permits the authority to include conditions that the authority consider appropriate to regulate the management, use and occupation of the house concerned and its' condition and contents and under s67(2):

Those conditions may, in particular, include (so far as appropriate in the circumstances)—

- (a) conditions imposing restrictions or prohibitions on the use or occupation of particular parts of the house by persons occupying it;
- (b) conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house;
- (c) conditions requiring facilities and equipment to be made available in the house for the purpose of meeting standards prescribed under section 65;
- (d) conditions requiring such facilities and equipment to be kept in repair and proper working order;
- (e) conditions requiring, in the case of any works needed in order for any such facilities or equipment to be made available or to meet any such standards, that the works are carried out within such period or periods as may be specified in, or determined under, the licence;
- (f) conditions requiring the Licence Holder or the manager of the house to attend training courses in relation to any applicable code of practice approved under section 233.

All HMO licences have conditions numbers 1 through 30. Oxford City Council considers it necessary to add these conditions to all HMO licences either as a mandatory condition and to regulate the management, use and occupation of the house concerned and its' condition and contents. This is to ensure that HMOs do not give rise to one or more particular problems either for those occupying the HMOs or for members of the public.

When determining the maximum number of permitted occupants or households, the authority can add conditions under s67(2)(c) to make the house suitable for that permitted number of occupants or households. Normally, these conditions are added following inspection of the HMO and require the landlord to provide additional amenities and / or facilities. These conditions appear in the "property specific" section of the HMO licence.

The authority may further add property specific conditions to regulate the management, use, occupation and condition and contents. Normally, this is where there have been identified breaches of the Management Regulations or to resolve specific issues with anti-social behaviour identified at the property. These conditions appear in the "property specific" section of the HMO licence.



**HOUSES IN MULTIPLE OCCUPATION  
&  
THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

**ADVICE FOR LANDLORDS**

In addition to the Housing Authority's requirements under the Housing Act, you should be aware that the Regulatory Reform (Fire Safety) Order applies to the common areas (such as corridors and stairways) of all residential accommodation not forming a single private dwelling. This legislation came into effect on 1 October 2006 and is enforced, in Oxfordshire, by Oxfordshire Fire and Rescue Service.

Under the Fire Safety Order the "responsible person" for a premises (eg a landlord or housing provider), has a duty to carry out a fire risk assessment to determine the nature and extent of the general fire precautions that may be reasonably required to ensure the premises are safe from the risk of fire.

In a House in Multiple Occupation these general fire precautions will include measures in relation to –

- reducing the risk of a fire occurring
- the means of escape in the case of fire
- the means for detecting and giving warning of fire
- the means for fire-fighting on the premises
- the action to be taken in the event of fire

As your premises are subject to licensing by the Housing Authority, you should also be aware that you are required to record the significant findings of your risk assessment - which should be made available to Oxfordshire Fire and Rescue Service on request.

Further information on your legal duties under the Fire Safety Order and guidance on how to carry out a fire risk assessment is contained in the publication:

**'Fire Safety Risk Assessment: Sleeping Accommodation'** (Guide No 3).

which is free to download from the government's Fire Gateway web portal on <https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business>.

## APPENDIX 4: INFORMATION NOTICE

### MANAGER'S INFORMATION

<b>MANAGER'S NAME</b>	
<b>MANAGER'S ADDRESS</b>	
<b>MANAGER'S CONTACT TELEPHONE NUMBER</b>	

### EMERGENCY ARRANGEMENTS

<b>TO REPORT EMERGENCY REPAIRS OUT OF HOURS</b>	<p><b>Name:</b></p> <p><b>Contact telephone:</b></p>
<b>EMERGENCY HEATING / HOT WATER CONTACT INFORMATION</b>	(Insert information if there is a contract with a service provided e.g. British Gas HomeCare)
<b>EMERGENCY ELECTRICAL CONTACT INFORMATION</b>	(Insert information if there is a contract with a service provided e.g. British Gas HomeCare)
<p><b>IF YOU SMELL GAS, OR THINK THERE IS A GAS LEAK, THEN CALL THE NATIONAL NUMBER.</b></p> <p>Do not smoke or light matches</p> <p>Do not turn electrical switches on or off</p> <p>Open doors and windows</p> <p>Turn off the meter at the control handle unless the meter is in the cellar</p>	<p><b>National Gas Emergency Service</b> 0800 111 999(1)</p>
<b>CARBON MONOXIDE LEAK – AS ABOVE</b>	<p><b>National Gas Emergency Service</b> 0800 111 999(1)</p>
<b>FIRE</b>	<p><b>IN EVENT OF A FIRE – EVACUTE IMMEDIATELY AND CALL 999</b></p> <p>For problems with the fire alarm and emergency lighting: call</p>



## APPENDIX 5: WASTE MANAGEMENT NOTICE

PROPERTY ADDRESS	
Food waste must be put in the (delete as appropriate)	LARGE FOOD CADDY RED BIN (FLATS ONLY)
Food waste is collected	WEEKLY COLLECTION ON:
Refuse (general) waste must be put in the (delete as appropriate or for flats, complete)	GREEN WHEELED BIN / LILAC SACKS ...../ _____  All rubbish must be inside your green bin with the lid closed. Extra rubbish left outside the bin will not be collected. Three LILAC SACKS will be collected.
Refuse (general) waste is collected	EVERY OTHER WEEK ON:  STARTING FROM:
Recycling must be put in the (delete as appropriate)	BLUE WHEELED BIN / BLUE SACKS...? _____  Extra recycling will be collected if placed neatly at the side of your blue bin or sacks in a clear sack or cardboard box.
Recycling is collected	EVERY OTHER WEEK ON:  STARTING FROM:
Bin / sack collection	Please put your bins / caddy / sack out for collection by 7am. You can put your bins / sacks out the day before, after 6pm. Please remove your empty bin from the pavement as soon as possible after collection.
Bin / sack collection reminders	You can sign up for email reminders - they will prompt you on which bins to put out and when – see <a href="http://www.oxford.gov.uk/recycling">www.oxford.gov.uk/recycling</a> You can download Oxford City Council mobile app for free reminders. Available via the app store / google play
Bulky Waste can be disposed of:	By calling Oxford City Council on 01865 249811 and booking a collection. There may be a fee.
Penalties	If occupants do not put out the bins / sacks by the required time, your waste may not be collected. You will need to make alternative arrangements. If you do not place items in the correct bins / sacks then your collection may be rejected. You will need to make alternative arrangements. Failing to abide by collection rules and leaving rubbish out can be classed as “nuisance and environmental anti-social behaviour”. Oxford City Council can issue fixed penalty fines of up to £150.
Tenant responsibilities:	Tenants are responsible for disposing of all rubbish / recycling in an appropriate manner and at the appropriate time, including at the end of tenancy. The HMO Management Regulations state occupiers must: <i>store and dispose of litter in accordance with the arrangements made by the manager.</i>
Manager (landlord and agent) responsibilities:	The manager (landlord) must— <i>(a)ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal; and (b)make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority.</i>

**APPENDIX 6: RENT RECIEPT TEMPLATE**

<b>Name of tenant</b>	
<b>Property address</b>	
<b>Date of payment</b>	
<b>For rental period:</b>	
<b>Amount paid</b>	
<b>Paid by</b>	<b>Cash / Cheque</b>
<b>Name of person receiving money (write name clearly)</b>	
<b>Signature of person receiving payment</b>	

***This receipt must be given to the tenant and a copy kept by the licence holder.  
NB – a photo of the receipt will be accepted as “copy”***



*In the event of a fire:*

- **If you discover a fire immediately raise the alarm**
- **Leave the building via the nearest available escape route**
- **If you suspect that there is a fire on the other side of the door - do not open it**
- **Close all the doors behind you**
- **Call the Fire Service by dialling 999 - ask for Fire Service**
- **Do not stop to collect personal belongings**

**Fire Safety Information Notice**

This property is fitted with a fire alarm system and fire doors for your safety.

If a fire starts in your home, it is up to you to make sure that you can get out.

**AT ALL TIMES DO:**

Notify your landlord if you notice a fault with the system.  
Notify your landlord if you experience nuisance alarms.

Ensure that the hall, stairs and landing areas are kept free from obstruction.

Ensure that nothing flammable is stored on the hall, stairs and landings.

Ensure fire doors are not propped open – they are designed to close for your safety

**DO NOT:**

Bring into the house any form of portable radiant heater, especially one with either a flame (gas or paraffin) or a radiant element (electric bar fire).

Store things in cupboards containing either gas or electricity meters.

Tamper with smoke or heat alarms fitted at the property.

Prop open fire doors or disable the door closing devices.

Misuse fire fighting equipment.

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