



**Wigan**♥  
**Council**

# **Houses in Multiple Occupation (HMO) Licensing**

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Mandatory HMO Licence Conditions

**Author:** Housing Strategy, Regulation and Improvement

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## Version Control

<b>Title</b>	Houses in Multiple Occupation (HMO) Licensing - Mandatory HMO Licence Conditions
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## **Mandatory HMO Licence Conditions**

***In these conditions, “house” is meant to refer to the building or part of a building, which is licensed as a House in Multiple Occupation under Part 2 of the Housing Act 2004.***

***“Authority” is meant to refer to the local housing authority, namely Wigan Council***

### **Housing Act 2004 Prescribed Conditions**

- 1.** If gas is supplied to the house, the licence holder must:
  - (i)** Produce to Wigan Council, upon expiry of the previous gas certificate, a valid gas safety certificate obtained in respect of the house within the last 12 months. This shall be provided via post – Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).
  - (ii)** Retain a copy of all gas safety certificates obtained in respect of the property throughout the licensed period.
  - (iii)** On demand, supply said certificate to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).
- 2.** The licence holder must:
  - (i)** Keep electrical appliances and furniture made available by him in the house in a safe condition.
  - (ii)** Supply the authority, within 21 days of demand, with a declaration by him as to the safety of such appliances and furniture.
  - (iii)** Ensure each declaration is retained for a period of 5 years after the declaration has expired.
  - (iv)** On demand, ensure said declarations cover the dates requested within the demand.
  - (v)** On demand, supply said declarations to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).
  - (vi)** Ensure that every electrical installation in the house is in proper working order and safe for continued use.
  - (vii)** Supply the authority, within 7 days of demand, with a declaration by him as to the safety of such electrical installations.
  - (viii)** Ensure said declaration is retained for a period of 5 years after the declaration has expired.

- (ix) On demand, ensure said declaration covers the dates requested within the demand.
- (x) On demand, supply said declaration to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

**3. The licence holder must:**

- (i) Keep all furniture, supplied by him in the property, in a safe condition and ensure it complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended); and
- (ii) Provide Wigan Council, within 21 days of demand, with a declaration as to the safety of such furniture.
- (iii) Ensure said declaration is retained for a period of 5 years after the declaration has expired.
- (iv) On demand, ensure said declaration covers the dates requested within the demand.
- (v) On demand, supply said declaration to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk)

**4. The licence holder must:**

- (i) 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; and
- (ii) Keep each such alarm in proper working order; and
- (iii) Supply the authority, within 21 days of demand, with a declaration by him as to the condition and positioning of such alarms.
- (iv) Ensure said declaration is retained for a period of 5 years after the declaration has expired.
- (v) On demand, ensure said declaration covers the dates requested within the demand.
- (vi) On demand, supply said declaration to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

**5. The licence holder must:**

- (i) 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.
- (ii) Keep each such alarm in proper working order; and
- (iii) Supply the authority, within 21 days of demand, with a declaration as to the condition and positioning of such alarms.
- (iv) Ensure said declaration is retained for a period of 5 years after the declaration has expired.

- (v) On demand, ensure said declaration covers the dates requested within the demand.
- (vi) On demand, supply said declaration to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

**6. The licence holder must:**

- (i) Provide to each new occupier of the house written terms and conditions on which they occupy the house prior to their occupation. For existing tenants, written terms and conditions on which they occupy the house must be provided within 21 days of the commencement date of the HMO licence.
- (ii) Provide a copy of the written agreement to the authority on demand.
- (iii) Retain a copy of the written agreement for the duration of the tenancy, and for a period of 12 months after the tenancy ends.
- (iv) Retain evidence of the provision of the written agreement to each occupier for the duration of the tenancy and for a period of 12 months after the tenancy ends.
- (v) Supply said to the authority within 21 days of demand, via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

**7. The licence holder must:**

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) Ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.

- 8.** The licence holder must ensure that:
- (i) 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.
  - (ii) 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.
  - (iii) 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.
- 9.** The licence holder must ensure that the house is compliant with Wigan Council's approved Standards for Houses in Multiple Occupation. (Found on the Wigan Council website:  
<https://www.wigan.gov.uk/Business/Licensing-Permits-Registrations/Houses-in-Multiple-Occupation-Licence.aspx>
- 10.** The licence holder must:
- (i) 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.

## **Conditions relating to property**

- 11.** The licence holder must:
- (i) Produce to the authority within 21 days of demand, a Fire Detection & Alarm System Certificate (in accordance with BS 5839) obtained in respect of the house within the last 12 months, and every 6 months if a Grade A system has been installed.
  - (ii) Ensure said certificate is retained for a period of 5 years after the declaration has expired.
  - (iii) On demand, ensure said certificate covers the dates requested within the demand.
  - (iv) On demand, supply said certificate to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).
- 12.** The licence holder must:
- (i) Produce to the authority, within 7 days of demand, a periodic electrical survey inspection report for the whole of the electrical installations within the house in accordance with current IEE wiring regulations. Such a report should be provided by a suitably trained, experienced and competent person i.e. a NICEIC or ECA member.

- (ii) Ensure said report is retained for a period of 5 years after the declaration has expired.
  - (iii) On demand, ensure said report covers the dates requested within the demand.
  - (iv) On demand, supply said report to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk)
  - (v) Ensure throughout the period of the licence, that the premises are covered by a valid periodic electrical survey inspection report. Where a report expires during the term of the licence, an up-to-date report must be provided to the Housing Standards team within 7 days of the expiry date, via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk)
  - (vi) Ensure that should any remedial works be recommended on the periodic electrical survey report, such works are completed in line with the information provided on the report.
- A general guide to the timescales required is detailed below:

**C1** – Immediate remedial action required by licence holder

**C2** – Urgent remedial action required by licence holder

**C3** – Improvement Recommended

**FI** – Further investigation required without delay

Ensuring the Housing Standards team are informed in writing upon completion of such works.

**13.** If accommodation within the house is provided on a furnished basis and includes electrical appliances, the licence holder must:

- (i) Produce to the authority, within 21 days of demand, a portable appliance test (PAT) certificate which details testing of all electrical appliances provided.
- (ii) Ensure said certificate is retained for a period of 5 years after the declaration has expired.
- (iii) On demand, ensure said certificate covers the dates requested within the demand.
- (iv) On demand, supply said certificate to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

14. The licence holder will ensure that any furniture supplied in relation to a tenancy or licence is in safe and good condition with applicable fire safety warning label attached. Ensuring furniture provided is maintained or replaced as far as it is the licence holder's responsibility throughout the tenancy (under the terms and conditions of the licence or tenancy).
15. Where any works are to be carried to the house, the licence holder must ensure the appropriate consent from Building Control at Wigan Council is obtained prior to works commencing.
16. The licence holder must ensure any repairs are undertaken within a reasonable timescale of their report; as a guide, we would recommend: **Within 48 hours for Emergency Remedial Works, Within 7 days for an Urgent Repair and within 28 days for a non-urgent repair.** Works must be carried out at a good standard with longevity in mind, so they do not need to be repeated within a short period of time.

## **Management of the licensed property**

17. The licence holder must provide the occupiers of the house and the occupiers of any adjoining properties, with the following licence holder/managing agent details:
  - Name
  - Contact address and daytime telephone number.
  - Emergency contact telephone number.

This information must be supplied within 28 days of receipt of the licence being issued and should be clearly displayed in a prominent position within the house. An emergency contact telephone number for the licence holder and/or management agency shall also be available and notified to the Local Authority. This information must also be provided to any new occupiers of the house during the licence period, within 28 days of the start of their occupancy.

18. The licence holder must ensure that all repairs to the house or any installations, facilities, or equipment within it are to be carried out by competent and reputable persons and that they are completed to a reasonable standard. As a guide, we would recommend: **Within 48 hours for Emergency Remedial Works, Within 7 days for an Urgent Repair and within 28 days for any non-urgent repairs.**
19. The licence holder will provide each occupant of the house with copies of user manuals, where available, for any installations or equipment provided as part of the agreement for the occupation of the house.



- 20.** The licence holder shall display at all times it is in force a copy of the front page of the licence in a prominent position inside the house where all occupiers will be able to view the certificate.
- 21.** The licence holder shall:
- (i)** Provide to each occupant upon commencement of their occupation, a copy of the licence conditions.
  - (ii)** Display a copy of the front page of the licence conditions in a prominent position within the HMO.
  - (iii)** Within 28 days of the licence commencement date, provide to any existing occupants, a copy of the licence conditions.
  - (iv)** Retain evidence of the provision of said licence conditions to each occupier for the duration of the tenancy and for a period of 12 months after the tenancy ends.
- 22.** The licence holder shall:
- (i)** Ensure that occupants of the house receive written confirmation detailing arrangements in place to deal with repair issues and emergencies should they arise.
  - (ii)** Retain evidence of the provision of said written confirmation to each occupier for the duration of the tenancy and for a period of 12 months after the tenancy ends.
- 23.** The licence holder shall:
- (i)** Arrange to undertake a detailed inventory to be agreed with each occupant upon commencement of their occupation of the house and kept on file by the licence holder at their business address. (Draft Inventory forms are available from Wigan Council).
  - (ii)** Provide a copy of said inventory to each occupier.
  - (iii)** Retain evidence of the provision of said inventory to each occupier for the duration of the tenancy and for a period of 12 months after the tenancy ends.
- 24.** The licence holder will not discriminate against prospective occupiers of the house on the grounds of race, disability, gender, religion, or sexual orientation.

**25.**The licence holder must act lawfully and reasonably in requiring any advanced payments from occupiers; in handling rents; in returning deposits; and in making deductions from deposits. The licence holder will provide any occupier/prospective occupier with the following information:

- (i) The amount of rent payable.
- (ii) The details of any deposit required.
- (iii) Details of what the deposit covers and arrangements for return.
- (iv) The frequency of such payments.
- (v) The details of any utilities or other charges included in the rent.
- (vi) The responsibility for payment of Council Tax.
- (vii) The responsibility for payment of utilities and arranging provision of such.

**26.**The licence holder shall comply with all deposit protection requirements when taking a deposit or bond in connection with a tenancy.

**27.**The licence holder and/or his manager are required to make regular visits to the property of no less than once every three months to ensure that the property is secure and has not been abandoned. The dates of the visits shall be recorded by the licence holder.

**28.** The licence holder and their managing agent must inform the licensing team of the authority within ten working days of any changes in their circumstances as follows:

- (i) Details of any unspent convictions not previously disclosed to the Local Authority, that may be relevant to the licence holder and/or the property manager and their fit and proper person status and In particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003. Further details regarding rehabilitation periods are available at: [Rehabilitation Periods - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- (ii) Details of any finding by a court or tribunal against the licence holder and /or the manager that he/she has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business.
- (iii) Details of any contravention on the part of the licence holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her.

- (iv) Information about any property the licence holder or manager owns or manages or has owned or managed which has been the subject of:
- (i) A control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or
  - (ii) Any appropriate enforcement action described in section 5(2) of the Act:
    - serving an improvement notice under section 11.
    - making a prohibition order under section 20.
    - serving a hazard awareness notice under section 28.
    - taking emergency remedial action under section 40.
    - making an emergency prohibition order under section 43.
    - making a demolition order under subsection (1) or (2) of section 265 of the Housing Act 1985 (c. 68).
    - declaring the area in which the premises concerned are situated to be a clearance area by virtue of section 289(2) of that Act.
- (v) Information about any property the proposed licence holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act or has revoked a licence in consequence of the licence holder breaching the conditions of his/her licence.
- (vi) Information about any property the proposed licence holder or manager owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004.
- (vii) Change in managing agent or the instruction of a managing agent.
- (viii) Change of address to licence holder or Landlord
- (ix) The undertaking of any substantial works to the property including conversions and modernisations.
- (x) Said information shall be provided to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

**27.** The licence holder must:

- (i) Upon request by the authority, complete and return to the local authority an energy efficiency assessment questionnaire of the licensed property.
- (ii) Upon request, supply said completed questionnaire to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

- 28.** Where there are alley-gates installed to the rear of the licensed property, the licence holder must:
- (i) Take responsibility for holding a key for any alley-gates which are in place, or which are installed OR
  - (ii) Provide all new tenants with a copy of the key, at the time of letting and issue them with a copy of the key holding agreement.
- 29.** The licence holder must carry out due diligence to ensure that any persons involved in the management of the house are 'fit and proper persons' for the purposes of the Act.
- 30.** The licence holder must:
- (i) Complete a 'right to rent check' for all tenancy holders. Guidance in completing a 'right to rent' check is available at - <https://www.gov.uk/check-tenant-right-to-rent-documents>
  - (ii) Retain evidence of the completion of a 'right to rent' check for each occupier for the duration of the tenancy and for a period of 12 months after the tenancy ends.
  - (iii) Provide said evidence to the authority, within 21 days of demand, via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).
- 31.** The licence holder must ensure that the water supply and drainage system serving the house is maintained in good, clean, and working order.
- 32.** The licence holder must not unreasonably cause or permit the water supply or drainage system that is used by the occupiers of the house to be interrupted.
- 33.** The licence holder must not unreasonably cause the gas or electricity supply that is used by occupiers of the property to be interrupted.

- 34.** The licence holder must take reasonable steps to protect occupants from injury especially in relation to:
- (i) Any roof or balcony that is unsafe- ensuring that it is either made safe or access to it restricted.
  - (ii) Any window which has a windowsill below 800mm from floor level shall be fitted with a restrictor which limits the opening of the window to a maximum of 100mm. Restrictors shall be able to be overridden by an adult in the event of an emergency (this should not be via the use of a removable key). Any window provided for emergency escape purposes should have an unobstructed openable area that is at least 0.33m<sup>2</sup> and have a minimum 450mm height and 450mm width. The bottom of the openable area should not be more than 1,100mm above the floor.
  - (iii) Fire escape windows shall not be able to be locked via the use of a removable key.
- 35.** The licence holder must ensure that all common parts and fixtures are maintained and in a safe condition including handrails, windows, stair coverings, fixtures, fittings, and appliances.

## **Security**

- 36.** Where window locks are fitted, the licence holder will ensure that keys are provided to the relevant occupant.
- 37.** Where a burglar alarm is fitted to the house, the licence holder will inform the occupant in writing as to how the code may be changed and in what circumstances they are allowed to do so.
- 38.** Where previous occupants have not surrendered keys, the licence holder will arrange for a lock change to be undertaken, prior to new occupants moving in.

## Anti-Social Behaviour

- 39.** The licence holder must ensure that any tenancy or licence agreement granted after the issue of this licence includes the following clause within the tenant's or licensee's obligations:

"Nuisance and Anti-social Behaviour: Not to cause, or allow household members, or visitors to engage in anti-social behaviour, which means any conduct causing or capable of causing a nuisance or annoyance to the landlord, other occupiers, neighbours, or people engaging in lawful activity within the locality. (Examples of anti-social behaviour include failure to control dogs or children, leaving gardens untidy, not properly disposing of rubbish, inconsiderate use of the property, as well as more serious problems such as noise, violent and criminal behaviour, domestic abuse, the supply and use of controlled drugs, and intimidation, harassment or victimisation on the grounds of a persons' race, sex (gender), sexual orientation, disability, age, religion or belief, pregnancy or maternity status, socio-economic status)".

- 40.** The licence holder must neither ignore nor fail to take action to address anti-social behaviour (ASB) by or involving an occupier of, or visitor to, the HMO. The licence holder must ensure that all reasonable and practicable steps are taken to either prevent any such ASB or to deal with it promptly and effectively. If the licence holder has an agent, the licence holder must ensure that the agent acts on his or her behalf in accordance with these conditions.
- 41.** Without prejudice to the generality of the foregoing, or to any other steps that the licence holder may need to take to ensure that ASB is dealt with promptly and effectively, the licence holder must comply with the requirements of paragraphs (a) to (f) below, or ensure that they are complied with:

### ***Monitoring and recording the management of ASB***

- 42.** The licence holder must:
- (i) ensure that a written record is kept, in the form of an up-to-date log, of any ASB by or involving occupiers of or visitors to the HMO. The log must include as a minimum: the date of the ASB; a description of the ASB; details, where known, of the perpetrator, victim and any witnesses; the steps taken by the licence holder and/or his or her agent to address the ASB; the outcome of the aforementioned steps; and an assessment of any further steps that are needed. The licence holder must ensure that the log is retained for the duration of this licence and for a further period of twelve months following its expiry and that a

true copy of the original, completed log is made available to the Authority within 7 days of any written demand for the same.

- (ii) On demand, supply said log to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

**43.** The licence holder must:

- (i) Ensure that any letters and other documents that relate to ASB and are either sent or received by the licence holder or an agent of the licence holder, are kept for the duration of this licence and for a further period of twelve months following its expiry, and that a true copy of them is made available to the Authority within 7 days of any written demand for the same (but the licence holder shall not thereby be required to disclose to the Authority any information which the licence holder reasonably believes to have been provided to him in confidence by a third party).
- (ii) On demand, supply said documents to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

**44.** The licence holder must:

- (i) Ensure that written notes are made and kept of any meetings, conversations or investigations that relate to ASB by or involving occupiers of, or visitors to, the HMO. The licence holder must ensure that the notes are retained for the duration of the Licence and for a further period of twelve months following its expiry and that a true copy of them is made available to the Authority within 7 days of any written demand for the same. For the purpose of this condition, it shall be sufficient for the said notes to be made and included in the log to which paragraph (a) above refers.
- (ii) On demand, supply said notes to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

### ***Responding promptly and effectively to ASB***

- 45.** Within 72 hours of receiving a complaint about, or otherwise learning of, ASB by or involving an occupier of or a visitor to the HMO, the licence holder or agent must inform the occupier of the following by either letter or email:
- (i) the alleged ASB,
  - (ii) the occupier's rights and obligations in respect of ASB under the terms of their tenancy or licence agreement,
  - (iii) the steps that the Licence holder or his or her agent has taken or proposes to take to deal with the ASB effectively,
  - (iv) the steps that the occupier must take to the same end,
  - (v) the consequences of the ASB continuing,
  - (vi) that the licence holder or his or her agent will visit the HMO within 7 days of the date of the letter or email, in accordance with paragraph (e) below, to speak with the occupier and/or inspect the HMO's occupation or condition as appropriate, and
  - (vii) that the licence holder or agent will, in accordance with paragraph (f) below, monitor and review the management and occupation of the HMO for a period of 14 days following the visit to assess whether the ASB has ceased, or whether any further action is required.
- 46.** The licence holder must ensure that, within 7 days of the date of the letter or email to which paragraph (d) above refers, either the licence holder or his or her agent visits the HMO and takes all reasonable and practicable steps to speak with the occupier and inspect the HMO's occupation or condition. The licence holder must ensure that a record is kept of the visit and/or inspection, of the matters discussed with the occupier and of any other steps taken during the visit or inspection to deal promptly and effectively with the ASB. For the purpose of this condition, it shall be sufficient for the said notes to be made, included and kept in the log to which paragraph (a) above refers.
- 47.** The licence holder must ensure that, for the period of 14 days following the above visit and/or inspection the management and occupation of the HMO are monitored and reviewed regularly with a view to establishing whether the ASB has been dealt with effectively. The licence holder must ensure that, at the end of the 14-day period, a summary record of all such reviews and their outcome is recorded in the log to which paragraph (a) above refers.



**48.** Without prejudice to the foregoing, the licence holder must ensure that all such steps as are reasonable and practicable are taken to deal promptly and effectively with the ASB and any recurrence of it. Such steps may include but are not limited to: writing to the occupier as required by paragraph (d) above; warning the occupier in writing about the possible enforcement of their tenancy or licence agreement; seeking and obtaining advice about the management of the HMO, and enforcement of the occupier's tenancy or licence agreement; reporting to and liaising with statutory enforcement agencies about the effective resolution of the ASB; enforcing a tenancy or licence agreement in court, e.g. by seeking an injunction or possession of the HMO.

**49.** Where the licence holder or his agent has reason to believe that the ASB involves or may involve criminal activity, the licence holder must ensure that the appropriate authorities, including the police and the Authority, are informed. The licence holder shall co-operate with any and all such authorities in any investigation of, or action taken to address, the ASB with a view to dealing with it effectively. Such co-operation may include but is not limited to attending or being represented at case conferences or multi-agency meetings and providing information to the police or to the Authority when requested.

## **Fire Risk Assessment**

**50.** The licence holder must ensure that a fire risk assessment is undertaken by a competent and suitably qualified person (i.e. a person with relevant and current training and experience, and with access to the requisite equipment and information, who is capable of carrying out the defined task) to identify any fire hazards in the HMO, any persons at risk from such hazards, and any actions that should be taken to remove or reduce the risk. Any identified actions within the Fire Risk Assessment must be completed as soon as reasonably practicable.

**51.** The aforementioned fire risk assessment must be undertaken and reviewed at regular intervals so as to keep it up to date, particularly if:

- a)** There is reason to suspect it is no longer valid; or
- b)** There has been a significant change in the matters to which it relates including when the premises has special, technical, organisational measures or undergone significant changes, extensions, or conversions.
- c)** Where changes to a fire risk assessment are required as a result of a review, the responsible person must make them.

**52.**The licence holder must ensure that a copy of all and any such assessments are retained for the duration of the licence and for a period of twelve months following its expiry.

**53.**The licence holder must:

- (i) Ensure that the Authority is provided with a copy of any such assessment or assessments within 14 days of any written demand for the same.
- (ii) On demand, supply said assessment to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

## **Fire Alarm System**

**54.** The licence holder must ensure that the HMO is fitted with an appropriate fire alarm system designed, installed, commissioned, and certified in accordance with BS5839: Part 6. The system must be commissioned by a competent and suitably qualified person (i.e. a person with relevant and current training and experience, and with access to the requisite tools, equipment, and information, who is capable of carrying out the defined task).

**55.**The licence holder must:

- (i) Ensure that any commissioning certificate issued in relation to the system is retained and that the Local Authority is provided with a copy of the certificate within 14 days of any written demand for the same.
- (ii) On demand, supply said certificate to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

**56.**Where Grade A type fire alarm systems are installed the licence holder must ensure that the system is tested at monthly intervals and that a log is kept recording the test details. Such a logbook should include as a minimum the following information.

- a)** The name of the person or company that is responsible for the fire alarm system.
- b)** Brief details of maintenance arrangements.
- c)** Dates and times of all fire alarm activations including false alarms and their causes.
- d)** Dates and times of testing of the fire alarm system including the components tested such as control panel, manual call points and their location, detector heads and their location.
- e)** Dates and types of maintenance

**57.**The licence holder must:

- (i) Ensure that the Authority is provided with a copy of the aforementioned log within 14 days of any written demand for the same.
- (ii) On demand, supply said log to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

## **Emergency Lighting**

**58.** The licence holder must ensure that, where fitted, any emergency lighting system is inspected and serviced by a competent person (i.e. a person with relevant and current training and experience, with access to the requisite tools, equipment and information, who is capable of carrying out the defined task) at intervals of no more than twelve months, and that a log is kept recording the inspection and service details.

**59.**The licence holder must:

- (i) Further ensure that the aforementioned log and servicing and inspection report is retained for the duration of the licence and for a period of twelve months following its expiry, and that the Authority is provided with a copy of the log within 14 days of any written demand for the same.
- (ii) On demand, supply said log to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

## **Fire Safety Plan**

**60.** The licence holder must ensure that a fire safety plan, detailing the action to be taken in the event of a fire, is displayed in a prominent position in the common parts of the HMO.

**61.** Where firefighting equipment is provided in the HMO, the licence holder must ensure that the occupiers are provided, at the start of any new tenancy or licence, with training or clear instructions about how to use the equipment, and that a written record is kept of the training or instructions so given.

**62.**The licence holder must ensure that any firefighting equipment is maintained and serviced in accordance with the manufacturer's instructions and a record is kept of all such servicing and maintenance.

- 63.** The licence holder must ensure that the Authority is provided with a copy of any such record or records within 14 days of any written demand for the same.

## **Occupation**

- 64.** Only rooms which are listed in the occupancy table with a maximum number of occupants greater than 0 can be used as living accommodation. No persons shall sleep within any common areas including shared lounge.
- 65.** The number of persons residing at the house shall not exceed the maximum number stated on the licence.
- 66.** The number of households residing at the house shall not exceed the maximum number stated on the licence.
- 67.** The occupancy of any particular room does not exceed the occupancy limit specified in the licence.
- 68.** The use and level of occupancy of each unit of accommodation shall not be changed without the prior written approval of the authority.
- 69.** The licence holder must notify Wigan Council in writing of any room in the HMO with a floor area of less than 4.64m<sup>2</sup>.

## **Environmental Management/Amenity of the Neighbourhood**

- 70.** The licence holder shall ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.
- 71.** The licence holder must ensure that all outbuildings, yards, forecourts, and gardens surrounding the house are maintained, in repair and kept in a clean, tidy, and safe condition and free from infestations.
- 72.** The licence holder shall ensure that suitable and adequate provision for refuse storage and collection is made at the house and that the Local Authority's arrangements for refuse collection including recycling are adhered to. This shall include the provision of closable bins of suitable capacity as specified by the Local Authority. Arrangements shall be made immediately for the proper collection and disposal of any rubbish additional to that within the bins and such rubbish shall be stored within the curtilage of the property at the rear if feasible. The licence holder shall ensure that all refuse containers are returned within the curtilage of the property on the same day that they are emptied by the Local Authority.

**73.**The licence holder must:

- (i) Provide tenants with information packs regarding waste and recycling services including collection dates and how to present their waste for collection, including the requirement to return the refuse containers to the property on the same day they are emptied by the Local Authority. Where a notice is served against the property, the landlord shall ensure a copy is provided to each tenant at the start of their tenancy agreement.
- (ii) The above information pack shall be provided to existing tenants within 21 days of the licence commencement date, and prior to the occupation of any new occupier.
- (iii) Retain evidence of providing this in writing for the duration of the tenancy and for a period of 12 months after the tenancy ends.
- (iv) On demand, supply said evidence to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

**74.** The licence holder shall ensure that a full set of bins is available for new tenants before they move in:- **Guidance found through link:** [Which bin do I use? \(wigan.gov.uk\)](#).

**75.**The licence holder shall ensure all bins are empty before new tenants moves in.

**76.** The licence holder shall ensure all items cleared from properties before new tenants moves in are disposed of properly.

**77.** The licence holder must:

- (i) inform tenants of how to dispose of ‘bulky waste.’
- (ii) The above information shall be provided to existing tenants within 21 days of the licence commencement date, and prior to the occupation of any new occupier.
- (iii) Retain evidence of providing this in writing for the duration of the tenancy and for a period of 12 months after the tenancy ends.
- (iv) On demand, supply said evidence to the authority via post - Housing Strategy, Regulation and Improvement, Wigan Council – Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF; or via email – [hmo@wigan.gov.uk](mailto:hmo@wigan.gov.uk).

**78.** The licence holder shall inform their tenants that Wigan Council has introduced a charge to provide new domestic waste bins. It would be

advisable that a refundable tenancy deposit is taken by the licence holder and deposited in a government-approved tenancy deposit scheme (TDP) to ensure that a replacement can be provided if lost or stolen by the tenant.

## **Landlord Hub**

- 79.** All licence holders and the properties for which they hold a licence must be registered with the Landlord Hub, available at:  
<https://landlordhub.wigan.gov.uk/account/login?ReturnUrl=%2F&ContensisTextOnly=true>

## Guidance

*The guidance below does not form part of the licence conditions, but you may still be under an obligation to comply with the legislation to which it refers.*

### **Limitations of the Licence**

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

**Change Of Details** – The Local Authority must be notified of any changes in contact details for the licence holder.

**Companies And Partnerships** - If the licence holder is a company or partnership and it is dissolved while the licence is in force, the licence ceases to be in force on the date of dissolution.

**Penalty For Breach of Licence Conditions** - Failure to comply with any of the above licence conditions may result in enforcement action and/or prosecution. On conviction, a Court may impose an UNLIMITED fine for each breach. Alternatively, the Authority may impose a financial penalty of up to £30,000 for each licence condition breach.

### **Other Statutory and Legal Requirements**

**Planning Permission** - This licence does NOT grant any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise. If the property is being used as a House in Multiple Occupation (HMO) this may constitute a breach of planning control and you should check the Authority's website to ensure the correct planning permissions are in place:

[Planning \(wigan.gov.uk\)](http://wigan.gov.uk)

This licence does not offer any protection against enforcement action taken by the Planning Department. If you are unclear on the matters outlined above, you should seek professional planning advice.

**Building Control** - This licence does NOT grant any Building Control (Development Control) approvals, consents, or permissions, retrospectively or otherwise. This licence does NOT offer any protection or excuse against enforcement action taken by the Building Control (Development Control) Department.

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

**Consumer Rights & Unfair Practices** - The licence holder's attention is drawn to Office of Fair Trading's (OFT) guidance on unfair contracts in relation to their tenancies or licences. The licence holder must negotiate its agreements in good faith and must not carry out misleading or aggressive commercial practices. Full information should be supplied to any prospective occupier including details of this licence. Further advice can be found here:

<https://www.gov.uk/government/publications/unfair-contract-terms-cma37>

It is not the responsibility of the Housing Standards team to ensure the licence holder has complied with the above statutory requirements. If you are unclear on any of the matters outlined above, you should seek professional advice.

**Prosecution/ Contraventions Consequences** - Please note that any Prosecutions, enforcement action or legal action taken against the licence holder, or anyone associated with licence holder, or the management of the property, may affect the licence holder's 'fit and proper' person status. The Authority can revoke or vary the licence at any time, giving proper statutory notice.

**Management Regulations** - The Management of Houses in Multiple Occupation (England) Regulations 2006 or The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 apply to all HMO properties, whether licensable or not. It is therefore important that managers of HMO properties fully familiarise themselves with the requirements of the applicable regulations. Failure to comply with the requirements of these regulations is an offence which can lead to prosecution and an unlimited fine for each breach, or to a financial penalty imposed as an alternative to prosecution of up to £30,000 per offence. These regulations apply in addition to any licence conditions.



**For further information or questions regarding the standards, please contact us using the following details:**

- **Email:** [HMO@wigan.gov.uk](mailto:HMO@wigan.gov.uk)
- **Telephone:** 01942 489204
- **Address:** Housing Strategy, Regulation and Improvement, Wigan Council  
– Place Directorate, Wigan Town Hall, Library Street, Wigan, WN1 1DF

For copies of this policy in alternative or accessible formats, please contact the email address [HMO@wigan.gov.uk](mailto:HMO@wigan.gov.uk) or call on **01942 489204**.