served by One Team

South & East Lincolnshire Councils Partnership

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APPENDIX B

HMO LICENCE CONDITIONS

2026 - 2029

HMO LICENSING POLICY

HOUSING STANDARDS

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DEFINITIONS

Where the term "Council" or "Authority" has been used, this refers to the relevant council applicable across the South & East Lincolnshire Councils Partnership (SELCP) being either; East Lindsey District Council, South Holland District Council or Boston Borough Council. This appendix has been adopted across the three and therefore aligns all standards and working practices.

"HMO" refers to the building or such part of it as is licensed under Part 2 of the Housing Act 2004.

"Licence Holder" refers to: (a) the person to whom the Authority has granted this licence; and (b) from the date of his or her consent, any other person who agrees to comply with the licence restrictions and obligations that follow.

"Mandatory Licence Conditions" refers to conditions that the Authority is obliged to impose under any licence granted under Part 2 Housing Act 2004 by virtue of Schedule 4 of that Act.

PRELIMINARIES

The person to whom this licence is granted is responsible for ensuring compliance with its conditions at all times and remains so whether or not another person has also agreed to be bound by them.

Failure to comply with any of the conditions of this licence is an offence and may be punishable by an unlimited fine or a civil financial penalty of up to £30,000.

Where the conditions in this licence are mandatory under Schedule 4 of the Housing Act 2004, they will be presented in italics.

Licence Holders are expected to be aware of all relevant legislation, including but not limited to:

- The Housing Act 2004
- The Gas Safety (Installation and Use) Regulations 1998
- The Furniture and Furnishings (Fire) (Safety) Regulations 1988
- The Regulatory Reform (Fire Safety) Order 2005
- Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022
- The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Correspondence

Unless otherwise specified in this licence, any documentation, notifications, or communications required to be submitted to the Council under the conditions of this licence must be communicated to the relevant Council either by email, or by post as detailed below:-

Boston Borough Council – housing.standards@boston.gov.uk, Housing Standards Department, Boston Borough Council, Municipal Buildings, West Street, Boston, PE21 8QR

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East Lindsey District Council – housingstandards@e-lindsey.gov.uk, Housing Standards Department, East Lindsey District Council, Aura Business Centre, Heath Road, Skegness, PE25 3SJ

South Holland District Council – housingstandards@sholland.gov.uk, Housing Standards Department, South Holland District Council, Priory Road, Spalding, PE11 2XE

This requirement applies to all instances within these licence conditions where there is an obligation to notify, inform, submit, produce or provide documentation to the Council, regardless of how such obligation is expressed.

Occupancy

The maximum number of occupants that may reside in the HMO is (maximum occupants)

The maximum number of households that may reside in the HMO is (maximum households)

Only the rooms listed in the table below can be used as living accommodation where people sleep. The maximum number of people who can occupy each room licensed as living accommodation where people sleep is set out below. Unless specified, any reference to the maximum occupancy of the HMO or a specific room is inclusive of children.

Room	Location	Floor space	Maximum occupants

LICENCE CONDITIONS

1. Occupancy

The licence holder must ensure that:

1.1 The total number of occupants does not exceed that stipulated in the licence
1.2 The total number of households does not exceed that stipulated in the licence
1.3 The occupancy of any particular room does not exceed the occupancy limit specified in the licence
1.4 Only rooms that are listed as having a maximum occupancy of greater than zero may be used as living accommodation

2. Provision of Licence to Occupiers

2.1 The Licence Holder must provide a written copy of this licence and all licence conditions to all occupants of the property within 14 days of the issuance of the licence.

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2.2 The Licence Holder must provide a written copy of this licence and all licence conditions to any new occupants prior to the commencement of any new period of occupation.

3. Gas Safety Certificate

3.1 If gas is supplied to the property, the Licence Holder must provide annually to the Council a valid CP12 Gas Safety Certificate issued by a Gas Safe registered engineer dated within the last 12 months.

3.2 The Licence Holder must annually provide a copy of each new Gas Safety Certificate to the Council within 14 days of the new certificate being issued.

3.3 The Licence Holder must display a copy of the current Gas Safety Certificate in the common parts of the property where it can be viewed by all occupiers. Where a new certificate has been issued, it must be displayed in the common parts of the property within 14 days of its issuance.

4. Electrical Appliances

4.1 The Licence Holder must ensure that all electrical appliances provided at the HMO are kept in good repair, in proper working order and in a safe condition.

4.2 The Licence Holder must obtain a Portable Appliance Test (PAT) report every 12 months in respect of all electrical appliances that are provided at the HMO. Any appliances with identified defects must be replaced as soon as practicable. A written record of these tests must be retained by the Licence Holder for the full duration of the licence period and provided to the Council within 14 days of demand.

4.3 A declaration from the Licence Holder regarding the safety of any electrical appliances must be provided to the Council within 14 days of demand.

5. Furniture

5.1 *The Licence Holder must ensure that furniture made available in the HMO is kept in a safe condition.*

5.2 All upholstered furniture, including but not limited to covers and fillings of cushions and pillows, sofas, children's furniture, beds, upholstered head boards, and mattresses, must comply with all current fire safety legislation.

5.3 A declaration as to the safety of all furniture made available in the HMO must be provided to the Council within 14 days of demand.

6. Electrical Installation

6.1 The Licence Holder must ensure that every electrical installation in the house is in proper working order and safe for continued use.

6.2 The Licence Holder must ensure that at all points throughout the entire licence period there is a valid Electrical Installation Condition Report (EICR) in respect of every electric installation. The Licence Holder must ensure that copies of all valid EICRs throughout the licence period are retained and provided to the Council within 7 days of demand.

6.3 A declaration from the Licence Holder regarding the safety of any electrical installations must be provided to the Council within 14 days of demand.

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6.4 The Licence Holder must not unreasonably cause the electricity supply that is used by any occupier within the property to be interrupted.

7. Smoke Alarms/Fire Alarm Detection Systems

7.1 The Licence Holder must ensure that hard-wired, mains-operated smoke alarms with battery backups in accordance with BS 5446 are installed on each floor of the property on which there is at least one room used wholly or partly for living accommodation. For clarity, this includes staircases, landings, lavatories, bathrooms, and half-landings.

7.2 The Licence Holder must ensure that every smoke alarm made available in the property is kept in proper working order throughout the full duration of the licence period.

7.3 The Licence Holder shall ensure that where required a fire alarm detection system designed to meet the requirements of BS 5839 and associated guidance is installed within the house and maintained in proper working order.

7.4 The smoke alarms/fire alarm detection system shall be inspected, tested and serviced in accordance with BS 5839 and appropriate certificates issued by a competent person. Written records of these tests must be retained for the full duration of the licence period and be provided to the Council within 14 days of demand.

7.5 The Licence Holder must provide the Council with a declaration regarding the condition and positioning of each smoke alarm within 14 days of demand.

8. Carbon Monoxide Alarms

8.1 The Licence Holder must ensure that a carbon monoxide alarm is installed in every room in the house which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker.

8.2 The Licence Holder must ensure that every carbon monoxide alarm made available in the property is kept in proper working order at all times.

8.3 The Licence Holder must ensure that each alarm is tested at least once each month for the full duration of any occupancy of the HMO. Written records of these inspections must be retained for the full duration of the licence period and be provided to the Council within 14 days of demand.

8.4 The Licence Holder must provide the Council with a declaration regarding the condition and positioning of each carbon monoxide alarm within 14 days of demand.

9. Written Statement of Terms

9.1 The Licence Holder must ensure that all occupants who were occupying the premises prior to the issuance of this licence have been supplied with a written document incorporating all the terms on which they occupy the property within 14 days of the issuance of this licence.

9.2 The Licence Holder must provide any new occupiers of the house with a written statement of terms on which they occupy it in writing prior to the commencement of any occupancy agreement.

9.3 The Licence Holder must retain the written statements of terms and clear evidence of providing the written statements of terms to all occupants throughout each occupiers' period of occupation and for a minimum of five months after the occupation has ended. The Licence Holder must provide to the Council the written statement of terms on which the property is

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occupied and evidence of the provision of the written statement of terms to occupants within 14 days of demand.

10. Minimum Floor Space Requirements

10.1 The Licence Holder must ensure that all the following requirements are met throughout the full duration of the licence period:

- *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;*
- *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;*
- *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;*
- *that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.*

10.2 The Licence Holder must ensure that any works directed in a notice given by the Council are completed within any timeframe provided where the Council is notifying the Licence Holder of having unknowingly breached any part of this condition. If no timeframe is provided, the works must be completed within 12 months of the date specified in the notice.

11. Mandatory Conditions Relating to Children and Timeframe for Works

11.1 The Licence Holder must ensure that all the following requirements are met throughout the full duration of the licence period:

- *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;*
- *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;*
- *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.*
- where any room in the HMO is used as sleeping accommodation by persons under the age of 18, this room shall be connected to the sleeping accommodation occupied by a related adult who can reasonably be expected to aid their escape in the event of an emergency.

11.2 The Licence Holder must ensure that any works directed in a notice given by the Council are completed within any timeframe provided where the Council is notifying the Licence Holder of having unknowingly breached any part of this condition. If no timeframe is provided, the works must be completed within 12 months of the date specified in the notice.

12. Household Waste

12.1 *The Licence Holder must comply with any scheme which is provided by the Council which relates to the storage and disposal of household waste at the HMO pending collection.*

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12.2 The Licence Holder must display in the common parts accessible to all occupants accurate information regarding the refuse and recycling collection dates in addition to information on what items to put in each recycling and waste container within 14 days of the issuance of this licence. This information must also be provided to any new occupant prior to the commencement of their period of occupation. Evidence of the provision of this information to occupants must be retained throughout the length of the licence period and provided to the Council within 14 days following demand.

12.3 The Licence Holder must display in the common parts accessible to all occupants accurate information regarding bulky waste collections within 14 days of the issuance of this licence. This information must also be provided to any new occupant prior to the commencement of their period of occupation. Evidence of the provision of this information to occupants must be retained throughout the length of the licence period and provided to the Council within 14 days following demand.

12.4 The Licence Holder must undertake inspections at intervals no longer than every three months to ensure waste is being stored and presented correctly. A record of inspections must be retained for the full duration of the licence period and provided to the Council within 14 days of demand.

13. Inspections

13.1 The Licence Holder must ensure that the common parts are thoroughly inspected at intervals of no greater than one month, and the living accommodation is thoroughly inspected at intervals of no greater than six months. The Licence Holder must ensure that detailed notes from every inspection in the licence period, including but not limited to; any defects identified; the date and time of the inspection; and the individual undertaking the inspection are made and retained throughout the full length of the licence period.

13.2 The Licence Holder must provide all inspection notes from within the entirety of the licence period as demanded by the Council within 14 days of demand.

14. Antisocial Behaviour Provisions

14.1 The Licence Holder must ensure that they comply with the following procedure where they have been made aware of the occurrence of anti-social behaviour on the premises.

This procedure must be provided to occupiers in writing prior to the commencement of their occupancy or within 14 days of an occupancy in existence at the time that the licence was issued. Proof of provision of this must be retained throughout the full length of the individual's period of occupation and for 5 months afterwards and provided to the Council within 14 days of demand.

The Licence Holder must reasonably cooperate with the Council, the Police Service and any other public agencies in resolving any complaints of anti-social behaviour in regards to the premises.

The Licence Holder must address problems of anti-social behaviour resulting from the occupiers or their visitors by following the procedure set out below:

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- If a complaint is received, or anti-social behaviour is discovered, the Licence Holder must contact the relevant occupant within 14 days of receiving the complaint. The occupant must be informed in writing of the complaint made against them and of the consequences of its continuation.
- The Licence Holder must monitor any allegations of anti-social behaviour for a period of 28 days, from the date the complaint was received.
- If after 28 days, it is found that any of the anti-social behaviour is continuing the Licence Holder must visit the premises within 7 days and provide the occupant with a warning letter advising them of the possibility of eviction if the behaviour continues.
- If after 14 days of giving a warning letter, the occupant has not taken steps to address the anti-social behaviour and it is continuing, the Licence Holder shall take action, which may include legal eviction proceedings.
- The Licence Holder must ensure that written notes are kept of any meetings, telephone conversations or investigations regarding anti-social behaviour for 3 years, and if requested by the Council, provide this information within 28 days on demand.
- Any letters, relating to antisocial behaviour, sent or received by the Licence Holder must be kept for 3 years by the Licence Holder and if requested by the Council, provide copies of them within 28 days on demand.
- Where the Licence Holder or his agent has reason to believe that the antisocial behaviour involves criminal activity the Licence Holder shall inform the appropriate authorities within 7 days.

For the purpose of these licence conditions, anti-social behaviour means conduct on the part of occupiers of, or visitors to, residential premises (a) which causes, or is likely to cause, a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises; or (b) which involves or is likely to involve the use of such premises for illegal purposes.

15. Fire Safety Provisions

15.1 The Licence Holder must ensure the following:

- That if a written fire risk assessment has not been provided as part of the licence application process, and is required by The Regulatory Reform (Fire Safety) Order 2005, a written fire risk assessment is carried out in accordance with The Regulatory Reform (Fire Safety) Order 2005 within 14 days of receipt of the licence. Any defects identified within the assessment must be rectified as soon as reasonably practicable. A copy of the assessment must be kept for the duration of the licence period and be provided to the Council within 14 days of demand;
- That any relevant information under the fire risk assessment is provided in writing to all occupants under s21A of The Regulatory Reform (Fire Safety) Order 2005 within 14 days of the completion of the assessment, and prior to the commencement of any new period of occupation;

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- That the premises is provided with a satisfactory means of escape from fire according to the size, layout and type of accommodation provided, and to ensure that any fire escape routes are kept clear and free from obstruction;
- Fire doors providing a minimum of 30 minutes protection shall be installed and maintained, as required by your risk assessment, and/or by Fire Safety Guidance adopted by the Council, as a minimum these doors will be required to protect the primary escape route.
- The emergency escape lighting system (where required) shall be inspected, tested and serviced in accordance with BS5266 and appropriate certificates issued by a competent person. Throughout the period of the licence, periodic inspection and test certificates, in the format recommended by BS5266 shall be kept by the Licence Holder and supplied to the Council within 14 days of a request being made.
- That any fire fighting equipment, or fire related signage is maintained in good condition at all times throughout the licence period.

16. Training

16.1 If demanded by the Council, the Licence Holder and manager(s) of the house must receive suitable training within a timeframe specified by the Council on the law and legal requirements relating to managing an HMO. Unless otherwise specified by the Council, this requirement can be satisfied in one of the following ways:

- by completion of the accreditation training of the National Residential Landlords Association (NRLA) and submitting the pass certificates to the Council for confirmation;
- By completion of other suitable training on the law and legal requirements relating to managing an HMO, subject to approval by the Council in advance and subject to submitting a pass certificate or similar document to the Council for confirmation;
- Or, if available, by attending the Council approved, one-day training course.

17. Tenant's Deposit

17.1 The Licence Holder must ensure that any deposit taken under an assured tenancy or assured shorthold tenancy is protected by placing it in an authorised tenancy deposit scheme.

17.2 The tenant must be given the prescribed information about the scheme in writing prior to the commencement of the tenancy.

17.3 Written records of the deposit taken and scheme used must be retained for the full length of the tenant's occupation and for 5 months following the ending of their tenancy. These records must be provided to the Council within 14 days of demand.

18. Heating System and Occupant's Access to Temperature Controls

18.1 Each unit of living accommodation and all rooms must be equipped with a fixed radiator, as part of a space heating system, or sufficient fixed appliances capable of heating the room to an adequate temperature when the outside temperature is -1 degC. This provision should be efficient, safely designed and be so sited and guarded as to minimize the risks to health and safety. An adequate temperature is generally regarded as:-

Living Room 21 degC, Bathroom 22degC, elsewhere 18 degC.[1]

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18.2 The Licence Holder must ensure that occupants have unfettered access to heating and hot water controls at all times throughout the full period of their occupation. For the avoidance of doubt this includes access to the thermostat.

19. Environmental and Neighbourhood Management

19.1 The Licence Holder must ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.

19.2 The Licence Holder must ensure that all outbuildings, yards, forecourts and gardens surrounding the house and alley ways within the property curtilage are maintained in reasonable repair. They must also be kept in a clean, tidy and safe condition, and free from infestations.

20. "Fit and Proper" Person Requirements

20.1 The Licence Holder must ensure that any persons involved with the management of the house are to the best of their knowledge 'fit and proper persons' for the purposes of the Housing Act 2004.

20.2 The Licence Holder must inform the Council in writing within 14 days of any changes in circumstances as follows:

- Details of any unspent convictions not previously disclosed to the Council 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.
- 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.
- 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.
- Information about any property the 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.
- Information about any property the 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.

21. Payment of Rent

21.1 No person other than the Licence Holder or their agent collect and receive rental monies from the occupants of the property. The Licence Holder and/or agent may pass on the rental monies to any third parties as required.

21.2 Where rents are collected or received from occupants, the Licence Holder must ensure that the payment is recorded and that the occupants receive a receipt for the payment, unless

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the occupant is an assured shorthold tenant and pays their rent via bank standing order or direct debit. The Licence Holder must keep a copy of all such records and receipts throughout the full length of the individual's period of occupation and for 5 months afterwards, and must provide the Authority with a copy of the same within 14 days of any request to inspect them.

22. Absence

22.1 The Licence Holder is required to have in place suitable emergency and other management arrangements in their absence. The name and contact details of the Licence Holder and/or manager must be given to each occupier within 14 days of the issuance of the licence and must also be displayed in a prominent place within the property, accessible to all occupiers.

22.2 If the Licence Holder is no longer a resident in the UK, they must make alternate arrangements and propose a new licence holder. This will require the submission of a new application.

23. Council Inspections

23.1 The Licence Holder must allow officers of the Council, or an agent acting on behalf of the Council, access to the licensed dwelling for the purpose of carrying out inspections at all reasonable times.

23.2 The Licence Holder must complete any identified remedial works in a satisfactory and timely manner as instructed by the Council, or an agent acting on behalf of the Council, within any timeframe specified following an inspection.

24. Pest Control

24.1 Where the Licence Holder becomes aware of a potential pest problem or infestation at the property, they must take steps to ensure that a treatment program is carried out to ensure that the pest infestation is properly managed.

24.2 Records must be kept of such treatment programs throughout the full length of the licence period these must be provided to the Council within 14 days of demand.

25. Duty to Notify the Council

25.1 The licence holder shall notify the Council in writing if they have any change of address, contact telephone number and email address from that specified on the licence application form, within 21 days of the change of the relevant details.

25.2 The licence holder shall notify the Council in writing of any change in the ownership of the house or any part of it, within 21 days of the change of ownership.

26. Duty to comply with Amenity Standards

26.1 The licence holder shall ensure that at all times during the period of the licence the standards as detailed within the separate document 'Appendix C - Amenity and Space Standards for HMOs', are fully complied with, having reference to the number of persons permitted within the licence and occupying the property.

DELEGATED AUTHORITY AND COMPETENCY OF OFFICERS

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All officers involved with the enforcement of legislation covered by this appendix will be competent to perform their duties in accordance with the legislation and agreed internal procedures and will carry out continuous professional development to do so. The Council has delegated the authority to serve notices/orders under various Acts and Regulations where the Safer Communities Group Manager has in turn delegated the service of some of these directly to enforcement officers. All notices/orders will be served having regard to this delegation scheme.

Officers authorised under section 113 of the Local Government Act 1972, are able to carry out Council functions outside of their sovereign council.

GOVERNANCE AND REVIEW

The Council's Safer Communities Group Manager is authorised to make amendments to the policy to ensure the Policy remains up to date and to reflect statutory requirements in consultation with the Portfolio Holder.

Version Control			
Issue No	**Author**	**Issue date**	**Reason For Issue**
1.0	Group Manager – Safer Communities		Full update of prevailing legislation, plus alignment of appendix to a single appendix across the South & East Lincolnshire Councils Partnership (SELCP)

Approval		
Issue	**Approval Authority**	**Approval Date**
1.0	(ELDC) (BBC) (SHDC)	

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